No 1. Miscellaneous Diplomatic

Ans: 15 Oct. 86.

Draft. J.B.M.

DEPARTMENT OF STATE
OCT 9 1886
RECEIVED

Dft Clair
to Wcrett

Apia Samoa
Wednesday August 18. 1886

Hon Thomas F. Bayard
Secretary of State
Washington D.C.

Sir.-

Having embarked from San Francisco in the S.S. Alameda on Saturday July 31., I left the steamer, on Sunday (Monday by the time here) the 15th inst, off the Island of Tutuila whence a sixty mile sail in a small schooner brought me to this port yesterday morning.

To my regret the Mohican is not here and I fear she may not arrive for several days as the mail addressed to her on the Alameda was marked for Auckland.

I was informed at Honolulu that Mr Greenbaum had passed through there by the last mail steamer en route for California - which information I find on arriving here

was correct. He left in charge
of his consulate Mr E. L. Hamilton
who has been very courteous to me.
I regret Mr Grunebaum's absence
but as any matter upon which
an opinion or conclusion respec-
ting the charges against him may
be based will be taken by me in
writing, he will be able to reply
to or comment upon the same.
Mr Travers who represents the
German Government is here
and he has sent to King Malietoa
a note informing him of his presence
as Special Commissioner from his
Government to Samoa. I have
met Mr Travers and we are daily
expecting the agent of the Govern-
ment of Great Britain, who is
understood to be Mr Thurston
the acting Governor of Fiji.
As soon as he arrives we shall
give close attention to the mat-
ter intrusted to us, and meanwhile
I am taking the opportunity to ob-

tain all the information a-
vailable respecting the present
condition of affairs.

I am Sir, Very respectfully,
Your obedient Servant
W. H. Ruby

~~Confidential~~

Ans. 15 Oct. 86
Draft J. B. M.

DEPARTMENT OF STATE
OCT 9 1886
RECEIVED

Dr. H. Clair
Dr. Everett

Apia Samoa
Sept. 14. 1886

Hon Thomas F. Bayard
Secretary of State
Washington D.C.

Sir:

I have to acknowledge the receipt, by the mail which arrived last evening, of a letter from the Collector of Customs at San Francisco transmitting a telegram from you received by him on the day of the date of his letter, viz. 27.

I have also the dispatch No 1 dated Aug 21. respecting the proposed appointment of the Secretaries as Consul at this port.

Referring to the latter I beg to inform you that the Secretaries returned here by the same steamer which brought the mail, and had informed me that he had not yet transmitted his

resignation, but intended to send it by the mail which leaves here tomorrow.

With my full concurrence and advice he will have this office in the charge of Mr E. L. Hamilton who has been acting as Consul during Mr Greenebaum's absence.

I respectfully recommend that the vacancy here be not filled until after I shall have returned to Washington. I feel sure that I can aid you materially with respect to the matter by some suggestions on the subject, and in my judgment, it would, for reasons which I can make clear when I see you, be much better not to have a new man sent here just at the present juncture. Meanwhile you may rely with confidence upon the discretion and capacity of Mr Hamilton - ad interim.

Replying to your telegram
received through the Collectorate
San Francisco, I beg to say
that Mr Hamilton, the Vice
Consul, has mailed you by this
steamer a despatch, which
was shown to me, giving you
full particulars respecting
the so-called circular toge-
ther with a copy and transla-
tion of it. You will readily
perceive from a perusal of
it that it is not only a forgery,
but also a clumsy one.

The German Vice Consul was
much excited about it but de-
clined to join in an investigation
as to its source and authorship,
stating only that it was given
to him by a German, in the em-
ploy of the Mikado, whose name
he declined to disclose.

So far from Mr Hatch having
violated any agreement or
any pledge as to his conduct, I

bound in justice to say that his conduct during the four weeks of my stay here has been singularly patient and in all respects exemplary. On the other hand the German company here has been constantly supplying arms to the party in revolt at Lubumbega.

Without violating any confidence I may say to you that I feel sure that Mr Thurston, the English Commissioner would concur in what I say of Malietoa's attitude. We jointly investigated the assertion which was made to us, from the German Consulate, to the contrary and jointly cautioned the King to avoid all demonstrations, verbal or otherwise pending the inquiry now going on. Our advice was received in good temper, and I am quite clear that it is being followed implicitly.

there is no indication here of any disposition on the part of Germany to make war on Malietoa other than the encouragement which seems to be given to Tamasese by persons connected with the Consulate of that country and the material aid furnished to him by persons of that nationality.

I regret that it is necessary for me to make any disjointed reference to these matters in advance of my report, but am obliged to do so in order to inform you respecting the subject matter of your telegram.

The H. B. M. Mohican arrived on Saturday the 11th inst. and we shall probably sail from this port on Saturday next, to connect with the mail steamer and then proceed to Tonga.

It is probable I may return

here for a few days before ta-
king the Steamer which is due
in San Francisco about Nov. 1st.

I am, Sir,

Your obedient Servant

Geo. H. Baly

3 Miscellaneous Diplomatic A. H. Clair

Ausw. 15 Oct. 86
Draft f. B. M.

DEPARTMENT OF STATE
OCT 9 1886
RECEIVED.

Apia Samoa
Sept. 15. 1886

Hon Thomas F. Bayard
Secretary of State
Washington D. C.

Sir:

I have to inform you that Mr Berthold Greenebaum has handed to me his resignation of the office of United States Consul at Apia Samoa, to take effect on the 1st proximo.

It was Mr Greenebaum's intention to forward his resignation by this mail to take effect immediately, but considerations, growing out of the situation here, have

led me to concur with the arrangement which puts Mr. Greenebaum's resignation at once in my hands but leaves him here nominally in charge until my return from Tonga.

As the mail is about to close I will defer fuller explanation until my return, except to say that Captain Day and I are fully agreed as to the propriety of the course decided on.

I ought to add that Mr Greenebaums understanding of his agreement with Mr Porter was that he was to return here and place his resignation in my hands for transmission by you and not to send it from San Francisco, as stated in Mr Adee's letter to me. Mr Greenbaum has shown an honest desire to keep fully his promise, and I mention this in justice to him.

I am Sir,
Your obedient servant
Geo. H. Read

"Miscellaneous Diplomatic".

7.

Complete Copy
of report on treaty
with Tonga by
Geo. H. Ba[illegible]
Sp. Com'r

Washington, November 23rd, 1886.

Sir:-

I have the honor to report that, agreeably to your instructions bearing date July 23rd, 1886, I arrived at Nukualofa, the Capital of the Kingdom of Tonga, on Tuesday, September 28th, in the U.S.S. Mohican. On the following day, Captain Day and I made a formal visit to his Majesty the King of Tonga. We were received with a great deal of ceremony and, although I had not anticipated so formal a reception, I found it necessary to address some remarks to his Majesty, on the occasion of my visit, which might be considered of an official or formal character.

His Majesty expressed, with a great deal of warmth of feeling, the satisfaction with which he welcomed to Tonga a representative of the United States for the purpose of concluding a treaty, an object which he had long desired to accomplish.

Although not having anticipated making any formal address, I, nevertheless, responded to his Majesty and endeavored to express the good feeling felt by our Government for the Government and people of Tonga, and the cordial desire of our people for the continuance of the independence of the Kingdom.

Captain Day and I were accompanied on this visit

by Lieut. J.C.Cresap, U.S.N., who, during my stay on the Mohican, with the permission of Captain Day, rendered me very valuable assistance in the prosecution of my duties.

A report prepared by him of what passed at my formal interview with King George, is herewith enclosed, marked Inclosure A.

The King appointed the Rev. Shirley Waldemar Baker his Plenipotentiary to negotiate a treaty between the United States and the Kingdom of Tonga. Mr. Baker and I met without delay, and, having exchanged our credentials, proceeded to the performance of the duty devolved upon us.

A copy of the letter of authority to Mr. Baker I herewith enclose, marked Inclosure B.

I enclose herewith the Treaty as finally agreed upon between us, which substantially agrees with the draft accompanying my instructions. The following statement will indicate any changes which it was found necessary to make:

ARTICLE I.

Is precisely as in the draft furnished to me.

ARTICLE II.

Provided, That there shall be reciprocally granted to the citizens or subjects of either of the High Contracting Parties all such rights, privileges or immuni-

ties as might be granted to the citizens or subjects of any foreign state by either of them.

This was amended so as to provide that any rights, privileges or immunities granted by either of the High Contracting Parties to <u>any foreign state</u>, or to the citizens or subjects of any foreign state, should be equally and unconditionally granted to the other High Contracting Party, its citizens or subjects. This amendment in the draft was made because it seemed to me that, by strict construction of the language of the draft, there might be some right, privilege or immunity granted to a nation, as, for example, the right to a coaling station, which would not be included or comprehended under the description of a right, privilege or immunity granted to the citizens or subjects of another country.

In this article, also, the qualification of the "favored nation clause" was modified so as to qualify any stipulation which would be included under the general term of "favored nation clause" in any article of the Treaty, instead of being confined to this section, as in the draft. This seemed to be necessary, because in other parts of the Treaty there were provisions which would require this qualification in order to be consistent.

ARTICLE III.

Is the Draft Article B., without amendment.

ARTICLE IV

Is the same as Article III in the draft, without amendment.

ARTICLE V.

Is the same as Article IV of the draft without amendment.

ARTICLE VI.

Is the additional Draft Article A.,with an amendment providing that the King of Tonga "agrees to secure to the Government of the United States by lease at a nominal rent with covenants of renewal," land for coaling station,&c., in lieu of the language of the Draft Article, that the King of Tonga "assures" such land.

This amendment was made in deference to the wishes of the Government of Tonga by reason of the provision of the Tongan Constitution forbidding the alienation of land in the Kingdom, either by the King or anyone else.

This provision is the same in substance, though in more technical terms, as the provision of the German Treaty, in pursuance of which provision, the King of Tonga has leased to the Imperial German Government, as I was informed, the land for a coaling station, upon the rent of one pepper-corn a year.

ARTICLE VII.

Is Article V of the Draft Treaty, with an amendment suggested by some difficulties which the Tongan Government had recently had with the new German line of steamers in respect to their mails. The amendment to which I agreed seemed to me to be fair and unobjectionable.

Since my departure from Tonga, I have had two com-

munications from Mr. Baker, the Premier, with respect to copies of this article, which, together with a copy of my reply, I herewith enclose for your consideration, marked, respectively, Inclosures C., D. and E.

ARTICLE VIII.

Is Article VI of the Draft, with the insertion of the words "and trade," which seemed to be necessary as a mere verbal amendment.

ARTICLES IX, X. and XI.

Are precisely the same as Articles VII, VIII, and IX of the Draft, with slight but apparently necessary amendments.

ARTICLE XII.

Is the additional Draft Article C, with some substantial amendments. The latter clause of the Draft Article seemed to Mr. Baker to be somewhat ambiguous, and, on careful examination of it, I felt that it would be difficult to construe it precisely; I therefore drafted the latter part of the Article, as finally agreed to, after a careful examination of the treaties made by our Government with nationalities of a similar character to the Kingdom of Tonga, and endeavored to make it clear and explicit, and, at the same time, to guard the rights of American citizens to the fullest extent.

The fact that the Article of the Treaty between Great Britain and Tonga upon the same subject had given rise to some difficulties which were still unsettled, led

to a more careful consideration of the whole subject than I felt that it was probable you had given to it in connection with the Draft. It seemed to me, upon careful consideration, that it was only just that persons choosing to reside in the Dominions of the King of Tonga, of whatever nationality, should be accountable to the local municipal regulations of the Kingdom; and it will be observed that the language used would make citizens of the United States amenable to those regulations only with respect to such matters as may not be cognizable under the laws of the United States. Inasmuch as it is competent for the United States to exclude any jurisdiction on this subject by legislative enactment of its own, conferring upon its Consuls jurisdiction over any and every subject matter which it may seem desirable to exclude from the jurisdiction of the local Tongan courts, I feel sure that this article of the Treaty ought to be satisfactory.

A copy of the English Treaty, with the correspondence relating to the clause in question, is herewith enclosed, marked Inclosure F.

ARTICLES XIII and XIV.

Are the same as Articles X and XI of the Draft, without amendment.

ARTICLE XV.

Is the provision as to ratification.

Having executed the Treaty in duplicate, one copy being in English and the other in Tongan, I inserted

a provision that the English version should be considered the original and should control in case of any variance.

The translation into Tongan havingbeen made by Mr. Baker, I enclose herewith a copy of the Tongan version, with Mr. Baker's certificate as to the accuracy of the translation.

The English version having been delivered to me, and the Tongan version having been left with Mr. Baker, I furnished him with a copy of the English version with a certificate as to its accuracy signed by myself, of which certificate I herewith enclose a copy, marked Inclosure G.

I may add that, for the sake ofuniformity, I made some verbal amendments of form merely, as, for example, using throughout, the term "High Contracting Party" in lieu of the occasional use of the word "Party" merely: also using throughout, after the description in the beginning, the words "United States" merely.

In connection with the suggestion, made respecting Article XII, of the power of Congress to supersede even the limited jurisdiction of Tongan Courts provided for, it should be remembered that, as in like cases heretofore, legislation will be required, in any event, to give effect to the Consular jurisdiction; and in that act may be included, if desired, any provision as to the local regulations referred to in the Treaty.

I have the honor to be, sir,

Your obedient servant,

Hon. T. F. Bayard,

Geo. H. Bates.

Secretary of State.

Special Commr.

INCLOSURES.

A. Memorandum of the visit of Mr. Bates to the King of Tonga, by Lieut. Cresap

B. Letter of Authority from the King of Tonga to Rev. S.W. Baker.

C. Letter of Mr. Baker to Mr. Bates, Oct. 8, 1886.

D. Letter, Mr. Baker to Mr. Bates, Oct. 8, 1886.

E. Letter, Mr. Bates to Mr. Baker, Oct. 22, 1886.

F. Treaty between Great Britain and Tonga, with correspondence relative to Article III thereof.

G. Copy of Certificate of Mr. Bates attached to a copy of the English version of the treaty.

INCLOSURE A.

The U.S.S.Mohican arrived in the Port of Nukualofa on the Island of Tongatabu on the afternoon of Sept.28, (East longitude) and on the followingday, at ten o'clock in the forenoon, Mr. George H.Bates, the Special Commissioner of the United States, accompanied by Commanding B.F.Day, commanding the Mohican, and Lieut.J.C.Cresap, U.S.N., went on shore to make an official visit to his Majesty King George.

The visitors were received at the landing by the Premier, the Minister of War and Police, and the students of the College, to the number of about two hundred, and the Government troops to the number of about three hundred A salute was fired by a battery on the shore, and the native band in front of the King's Palace played "Hail Columbia."

On entering the Palace, the visitors were presented to the King by the Rev.S.W.Baker, the Premier, who acted as interpretor, and upon his invitation, the Commissioner addressed his Majesty as follows:-

Your Majesty:-

I have come to your seat of Government by the direction of the President of the United States for the purpose of carrying into effect the suggestion which your Majesty's Government was pleased to make some three years ago; that a treaty of peace, amity and commerce should be made to express formally the sentiments

of friendly interest and regard which have hitherto existed between the two nations.

It is only because no opportunity has hitherto occurred, and not because of lack of interest, that this suggestion has not been sooner carried into effect.

Meanwhile, it gives me great pleasure to assure your Majesty of the great interest which is felt By the President of the United States in the welfare of your Majesty's Government, and in the successful efforts of your Majesty to administer good government among the Tongan people.

I may add the expression of my personal gratification at finding your Majesty in good health and with such an appearance of bodily vigor.

The King replied:

I welcome you to Tonga! To both the High Commissioner and the Captain of the Mohican, welcome!

It is with great gratification that I am able to effect a Treaty of Amity and Commerce with the Government of the United States. I appreciate this act of the President in sending the High Commissioner for this purpose to so shall a country as Tonga. I believe that benefits will be realized by both countries, but more especially by Tonga, a country so small, in comparison with the great country of America.

Mr. Bates then said:-

I thank your Majesty for the cordial

welcome which has been extended to me, and accept it as a token of the good will of your Majesty's Government towards the United States.

I beg to assure your Majesty that the interest which is felt by the President and people of the United States in the welfare of Tonga is not by any means limited by the size of the country. The interest of the United States in other powers is not usually measured by their relative size and importance. The fact that the size of a state is not with us the gauge of its importance is well illustrated by the fact that the State in which I live- the least populous member of the Federal Union- with not more than one hundred and forty-seven thousand inhabitants, has equal representation in the Senate (the highest council of all the states) with the great State of New York, with over five millions of people; and she has, also, much greater proportionate influence in the choice of the President of the United States.

This regard for the individuality of the smaller states in my country will make ~~it~~ clear to your Majesty the great interest which the President and the Government of the United States feel in the preservation of the autonomy of Tonga, and the perpetuation of her present independent position among nations.

That the neutrality of Tonga may be preserved is the wish of the President and people of the United States; and they believe that in such direction lies her true welfare. In the efforts to do this, your Majesty

may always rely upon the sympathy and- in any way in which they may properly be rendered- the good offices of the United States.

For myself, I may be permitted to express my gratification at all I have seen of the efficiency and progressive character of your Majesty's Government, and while thus speaking for myself, I feel sure that I but repeat the sentiments of the Government and the people of the United States.

The King rejoined:-

The words of the High Commissioner are good. I am glad to have a treaty with such a people.

To the President of the United States, to the Government and to you, their Commissioner empowered to make this Treaty of Friendship and Commerce, I desire to do the greatest honor.

From time immemorial it has been a custom among the Tongan people to show the most extreme respect by raising up the right hand when the use of words is inadequate. In my poverty of words I now do this to the Honorable Commissioner as the representative of his Great Nation, in token of the highest honor and deepest gratitude that I can express.

After a few minutes spent in social conversation, the visitors withdrew and returned to the Mohican.

The King seemed highly pleased with the interview, and especially at a compliment paid to him by Mr. Bates on his vigorous and robust appearance. The King's exact age is not known, but from his memory of events that trans

pired in 1800, it is probable that he is at least eighty-five years old. He is a very tall man, though now somewhat bent with age. In his prime he must have been at least six feet, six inches tall. He has a good face, although his complection is rather darker than most of his subjects: his close cropped beard of ivory whiteness lends to his patriarchal appearance; and his manner shows that he is accustomed to the reverence and homage of his people.

INCLOSURE B.

TO ALL WHOM IT MAY CONCERN.

THIS IS TO CERTIFY that we have this day appointed the Reverend Shirley Waldemar Baker, Premier of Tonga, as our Plenipotentiary for the purpose of negociating a Treaty between the United States of America and Tonga.

He is hereby duly authorized to act for us, and full power is hereby conferred upon him for carrying out and negociating the same.

IN PROOF WHEREOF we have attached Our hand and Seal.

DONE at Our Palace at Nukualofa, Tonga, this twenty-ninth day of September in the year of our Lord one thousand eight hundred and eighty-six.

Jioaji Tubou.

Seal.

INCLOSURE C.

PREMIER'S OFFICE,

Nukualofa, Tonga, October 8th, 1886.

F.C.
86,69

Dear Sir:-

Since your departure, I have met the agents of the various steamships calling here, and we have come to an arrangement, and in accordance therewith I have issued the following order to the Chief Collector of Customs, viz:-

"That any steamer under contract to any Government "to carry its mails with which the Tonga Government is "in Treaty relationship, shall,- on agreeing to carry "free of charge all Tongan mails ormail packages or par- "cels to her port of destination and all ports of call "on her trip- be remitted two-thirds of her amounts of "pilotage and harbor dues."

My object in writing is on account of the most favored nation clause, that immediately the Treaty with United States is ratified they will all claim to come under the Article VII of the Treaty, and the result will be that we shall lose a very large amount of revenue for a small place like Tonga.

Would it be too much to ask you to bring this under the notice of your Government, and to ask it to kindly assist us in the matter by allowing the proviso in the VII Article of the Treaty to be altered so as to meet the above case and to be so worded-in fact as to read

as follows:-

"ALL steam vessels which may be employed by the "Government of the United States in the carrying of "their mails in or across the Pacific Ocean shall have "free access to all ports of the Tonga Islands, and shall "be there subject only to one-third of the usual harbor "and pilotage dues: Provided that no vessel shall be "entitled to such exepmtion, except upon condition of "carrying free of charge the Tongan mails to ports of "destination and call of such vessels."

If it were a matter that concerned only the United States I would not on any consideration ask it- but affecting as it does all nations, and as they will all try to come under the said article, the loss to us will be very great.

May I ask you to pardon my troubling you in the matter, but I thought it was one of such a moment, that I ought on behalf of the Tonga Government to try and ask you so to alter the said Article as to meet our case.

With kind regards to Cap. Day and the officers of the "Mohican" and also to self,

I have the honor to be,

Dr. Sir;

Your obedient Servant

Shirley W. Baker.

To the

Hon^ble Geo.. H. Bates

Special Commissioner

U.S. Inc. C. 2

INCLOSURE D.

PREMIER'S OFFICE,

Nukualofa, Tonga, October 8, 1886.

M.C.

86.74.

Dear Sir.

In hopes that the United States Government will grant our request with regard to Article VII I have sent a Tongan translation of Article VII as altered in accordance with my letter.

Trusting you may be able to obtain this boon for us,

I have the honour to be,

Dr Sir,

Your obedient Servant,

Shirley W. Baker.

To the Hon^ble

Geo. H. Bates,

Special Commissioner

U.S.Govt.

(ARTICLE VII.)

Iloga ha vaka laafi e gaueaki ehe Buleaga ve Unaite Setete ihe fetuku oe nau g.meile ihe Osene Pasifiki e ata kihe g.laafi koia ke hu kihe g.taulaga koia oeBuleaga beate nau totogi be a h vahe tolu e taha oe g.totogi

INCLOSURE D.

PREMIER'S OFFICE,

Nukualofa, Tonga, October 8, 1886.

M.C.

86.74.

Dear Sir.

In hopes that the United States Government will grant our request with regard to Article VII I have sent a Tongan translation of Article VII as altered in accordance with my letter.

Trusting you may be able to obtain this boon for us,

I have the honour to be,

Dr. Sir,

Your obedient Servant,

Shirley W.Baker.

To the Hon^ble

Geo.H.Bates,

Special Commissioner

U.S.Govt.

(ARTICLE VII.)

Iloga ha vaka laafi e gaueaki ehe Buleaga ve Unaite Setete ihe fetuku oe nau g.meile ihe Osene Pasifiki e ata kihe g.laafi koia ke hu kihe g.taulaga koia oeBuleaga beate nau totogi be a h vahe tolu e taha oe g.totogi

taulaga moe totogi pailate: ka e ikai fakaata ha vaka meihe g. totogi koia kae ikai te ne ave tae totogi ae g. meile oe Buleaga o Toga Fihe g.taulaga oku folau ki ai be afe ki ai ae vaka koia.

INCLOSURE E.

S.S.Mariposa.

At Sea,Oct.22,1886.

Dear Sir:-

Your two favors of the 8th inst.were duly received just prior to my departure from Apia.

I do not see that I have any authotity to do anything except to present your letter to the Secretary of State,which I will do.

I may write you again on the subject from Washington.

I have the honor to be,sir,

Your ob't.servant,

Geo.H.Bates.

To the Rev'd. Shirley W.Baker,

Premier,

Nukualofa.

INCLOSURE. F.

TONGA
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY.

Vol. II.—No. 11. NUKUALOFA, TONGA. OCTOBER, 11, 1882.

PREMIER'S OFFICE,

NUKUALOFA, TONGA,

October 4, 1882.

THE Treaty of Friendship, made between Her Most Gracious Majesty the Queen of Great Britain and Ireland, Empress of India, &c. &c., and His Majesty King George of Tonga, having been duly ratified at Nukualofa, on the Third day of July, One Thousand Eight Hundred and Eighty-two, His Majesty has been pleased to command that the ratification of the said Treaty be printed in the Tonga Government Gazette.

By His Majesty's Command.

SHIRLEY W. BAKER,

Premier and Minister of Foreign Affairs.

TREATY BETWEEN GREAT BRITAIN AND TONGA.

VICTORIA, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, Empress of India, &c., &c., &c., to All and Singular to whom these Presents shall come, Greeting! Whereas a Treaty between Us and Our Good Friend the King of Tonga, was concluded and signed at Nukualofa, on the Twenty-ninth day of November, in the Year of Our

Lord One Thousand Eight Hundred and Seventy-nine, by the Plenipotentiaries of Us and of our said Good Friend, duly and respectively authorized for that purpose, which treaty is, word for word, as follows :—

Her Majesty the Queen of the United Kingdom of Great Britian and Ireland, and His Majesty the King of Tonga, being desirous to maintain and strengthen the relations of friendship which happily subsists between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., the Honourable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Her Britannic Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esquire, one of Her Majesty's Deputy Commissioners for the Western Pacific; and His Majesty the King of Tonga, &c., Wellington Tubou Malohi, Knight of the Order of the Red Eagle of the Second Class, Governor of Vavau, and George Fatafehi, Governor of Haapai,

Who, after having communicated to each other their respective full powers, have agreed upon, and concluded, the following Articles :—

ARTICLE I.

There shall be perpetual peace and friendship between Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Majesty the King of Tonga, his heirs and successors, and between their respective dominions and subjects.

ARTICLE II.

His Majesty, the King of Tonga, engages to grant to no other sovereign or state any rights, powers, authority, or privileges in Tonga in excess of those accorded to Her Britannic Majesty.

The subjects of Her Britannic Majesty shall always enjoy in Tonga and Tongan subjects shall always enjoy in the territories of Her Britannic Majesty, whatever rights, privileges, and immunities they now possess, or which are now accorded to the subjects of the most favoured nation; and no rights, privileges, or immunities shall be granted hereafter in Tonga, to the subjects of any foreign state which shall not equally and unconditionally be granted to the subjects of Her Britannic Majesty.

ARTICLE III.

(*a.*) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence, cognizable by British Law, such charge may be tried by the Court of Her Britannic Majesty's High Commissioner for the Western Pacific Islands.

(*b.*) If any subject of Her Britannic Majesty in Tonga is charged with an offence against the Municipal Law of Tonga, not cognizable as such under British Law, he shall be amenable to the jurisdiction of the Tongan Courts, the proceedings of which shall be conducted in public, and the records of which shall be public and accessible.

(*c.*) If any subject of Her Britannic Majesty in Tonga is charged with a criminal offence, cognizable as such both by British Law and the Laws of Tonga, the party charged may elect whether he will be tried by a Tongan Court or by the Court of Her Britannic Majesty's High Commissioner.

(*d.*) Every civil suit which may be brought in Tonga against any subject of Her Britannic Majesty in Tonga shall be brought before and tried by the Court of Her Britannic Majesty's High Commissioner.

(*e.*) Every summons, or warrant, to appear as a witness before the Court of Her Britannic Majesty's High Commissioner, issued in accordance with British Law and directed to a Tongan subject, shall, if possible, be endorsed by a judge of the Supreme Court of Tonga, and when so endorsed, shall have the same authority, and may be enforced in like manner, as if issued by the Supreme Court of Tonga, but where it shall be made to appear to the Court of Her Majesty's High Commissioner that the delay required to procure such endorsement might lead to the escape or removal of a material witness, such summons or warrant may be issued by the Court without such endorsement, and shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been directed to a subject of Her Britannic Majesty.

(*f.*) The expression "British Law," in this Article includes any Regulations duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands for the government of British subjects within his jurisdiction, and the Court of Her Majesty's High Commissioner shall include any British Court or officer for the time being authorized by Her Britannic Majesty to exercise jurisdiction in the Western Pacific.

ARTICLE IV.

Her Britannic Majesty agrees to surrender to His Majesty the King of Tonga any Tongan subject who, being accused or convicted of any of the under-mentioned crimes, committed in the territory of the King of Tonga, shall be found within the territory of Her Britannic Majesty.

The crimes for which such surrender may be granted are the following :—

Murder, or Attempt to Murder
Embezzlement or Larceny
Fraudulent Bankruptcy
Forgery.

Her Britannic Majesty may, however, at any time, put an end to this Article by giving notice to that effect to His Majesty the King of Tonga. This Article shall, however, remain in force for six months after the notice of its termination.

ARTICLE V.

The present Treaty shall come into force and effect, from the date of the signature thereof, but shall again become null and void if not ratified within the prescribed period.

ARTICLE VI.

The present Treaty shall be ratified, and the ratifications exchanged at Nukualofa, within twelve months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Nukualofa. the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and seventy-nine.

(L.S.) ARTHUR GORDON.
(L.S.) ALFRED P. MAUDSLAY.

We, having seen and considered the Treaty aforesaid, have approved, accepted, and confirmed the same in all and every One of its Articles and Clauses, as we do by these presents approve, accept, confirm and ratify it for Ourselves, Our Heirs and Successors. Engaging and Promising upon Our Royal Word, that We will sincerely and faithfully perform, and observe, All, and Singular, the things which are contained and expressed in the Treaty aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our Power. For the greater testimony and validity of all which, We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with our Royal Hand. Given at Our Court at Balmoral, the Eighth day of September, in the Year of Our Lord One Thousand Eight Hundred and Eighty-one, and in the Forty-Fifth Year of Our Reign.

VICTORIA, Re. I.

PREMIER'S OFFICE,
NUKUALOFA, TONGA,
October 4, 1882.

His Majesty has been pleased to command that the following extracts of correspondence between the Tonga Government and His

Excellency Sir Arthur Gordon, G.C.M.G., the High Commissioner of the Western Pacific, relative to the working of the Treaty with Great Britain, be printed in the Tonga Government Gazette, for the guidance of the law courts of Tonga.

By His Majesty's Command.

SHIRLEY W. BAKER,

Premier and Minister of Foreign Affairs.

PREMIER'S OFFICE,

NUKUALOFA, TONGA,

July 3, 1882.

To His Excellency,

SIR ARTHUR GORDON, G.C.M.G.,

High Commissioner, W.P., &c., &c.,

Your Excellency,

I am requested by His Majesty King George, to present Hi Majesty's request to your Excellency, and to ask your Excellency, as a personal favour to his Majesty, to be so kind as to give His Majesty a written interpretation of the second clause marked (b,) in Article III. of the Treaty, referring to the municipal laws of Tonga.

* * * * * * * *

In order to bring the matter more prominently under your Excellency's notice, His Majesty has requested me to present for your Excellency's consideration and opinion, the following questions :—

1. Whether the Tongan Government are not authorised by the said Municipal clause in the Treaty, to enforce the payment of all taxes which are due by British subjects according to Tongan law, as such taxes cannot be said to be cognizable as such under British law, as they are taxes imposed by the Tongan Government on persons residing in Tonga.

2. Whether the Tongan Government are not authorised by the said clause, and for the same reasons, in enforcing the payment of all licenses and also in enforcing the payment of any fine or fines which may be inflicted by the proper Tongan Courts of Justice for the violation of any license law or laws.

3. Whether the Tongan Government are not also authorised by the said clause, and for the same reasons, in enforcing the payment of any arrears of rent or rents for Tongan lands leased to British subjects.

4. Whether the Tongan Government are not also authorised by the said clause, and for the same reasons, in enforcing the law relative to the Tariff, and imposing fines in consequence of the violation of the Tariff laws.

5. Whether the Tongan Government are not also authorised by the said clause, in carrying out the Municipal law of Tonga, in imposing damages for destruction done by sheep, horses, cattle, and other animals owned by British subjects.

6. Whether the Tongan Government are not authorised by the said Municipal clause, in enforcing the Tongan law relative to sly-grog selling, and the selling of intoxicating spirits and drink to natives.

* * * * * * * * *

I have the honor to be

Your Excellency's

Most Humble and Obedient Servant,

SHIRLEY W. BAKER.

Premier.

NUKUALOFA,

4th July, 1882.

WESTERN PACIFIC,

HIGH COMMISSION.

SIR,—I am directed by His Excellency the High Commissioner to acknowledge the receipt of your letter of yesterday's date, in which you inform His Excellency that it is the wish of His Majesty, the King of Tonga, to obtain from His Excellency a written explanation of certain portions of the third Article of the Treaty of 1879.

2. The High Commissioner will readily comply with His Majesty's request, although he fears that it may happen in this case, as it has not unfrequently done in others, that an elaborate commentary may prove to be even more susceptible of misapprehension than the simple language of the Article itself, which was very carefully prepared, and appears to His Excellency to be perfectly clear and precise.

3. Clause (b), of Article III., provides that "if any subject of Her "Britannic Majesty in Tonga is charged with an offence against the "Municipal Law of Tonga, not cognizable as such under British Law, "he shall be amenable to the jurisdiction of the Tongan Courts, the "proceedings of which shall be conducted in public, and the records of "which shall be public and accessible."

This clause, it will be observed, only places British subjects under the jurisdiction of the Tongan Courts in respect to *offences* committed by them, not cognizable by British Law, or, in other words, in criminal and police cases only; and by clause (*d.*) the jurisdiction of the High Commissioner's Court is maintained unimpaired as regards all civil suits to be brought against British subjects.

4. The difficulty which appears to be felt by the Tongan Government, and some European residents in the group is that of distinguishing accurately between civil and criminal cases. Broadly stated, the distinction may be said to be this: When the object of the prosecution is to *punish*, by the infliction of a penalty, *for an offence against the law*, a criminal prosecution must be instituted. When the object is to obtain some right, wrongfully witheld, to recover debts, or obtain damages for any injury the prosecutor may have received, through the act or negligence of the defendant, a civil suit is necessary.

5. In some cases, however, a difficulty may arise as to the enforcement of the penalties incurred in a criminal case brought before the Tongan Courts. If the penalty adjudged be imprisonment, it can at once be inflicted; if the penalty be a fine, with the alternative of imprisonment in default of payment, that alternative can be enforced if payment of the fine be not made; but, if the penalty be a fine only, and the party liable refuses to pay, it becomes *a debt due to the Tongan Government*, and, as such must be sued for civilly in the High Commissioner's Court. It would not in such a suit be necessary to re-open the merits of the original case itself. It would be treated simply as a case of debt, and the production of the record of the Tongan Court, shewing that a penalty had been inflicted would, with proof that it had not been paid, be sufficient to shew that the party sued was a debtor to the Tongan Government.

6. I am now directed by His Excellency to answer, *seriatim*, the questions asked in your letter.

(1.) The Tongan Government is clearly authorized to require the payment of Taxes by foreign residents in Tonga according to Tongan law. His Excellency is not aware what the penalty, imposed by law for the non-payment of taxes, is. If it be imprisonment, that can undoubtedly be at once carried out by order of the Tongan Courts. If it be a money penalty only, it must be sued for as before explained if payment is refused. The tax itself, if the party refuses payment, should also be sued for in the High Commissioner's Court as a debt due to the Tongan Government in the manner already described.

2. The Tongan Government is undoubtedly entitled to require the payment, by British subjects, of all licence duties imposed by law, and that of all penalties legally inflicted. Any such penalties, if unpaid, become a debt to the Tongan Government, and can at once be recovered before the High Commissioner's Court, on proof of the debt in the manner before shewn.

(3.) Unpaid rent is a debt, and a suit for its recovery is clearly a civil suit, which must, therefore, be brought in the High Commissioner's Court only.

(4.) The question would appear to be already answered by anticipation, in the replies given to the questions 1 & 2.

(5.) This question, as put, does not admit of a perfectly simple answer. *An action for damages* is clearly a civil suit, and, as such, can only be brought before the High Commissioner's Court. But the infliction of a wilful damage to property is itself an offence, usually punishable by fine or imprisonment, and consequently cognizable by the Tongan Courts. An illustration will perhaps best explain this distinction: If a man stabs, or otherwise injures another man's horse, or cuts down a tree belonging to him, he is guilty of malicious injury to property, an offence punishable under the criminal law. If on the other hand, through his going to sleep or absenting himself, a horse or other animal committed to a man's charge, but belonging to another, falls over a precipice, or otherwise injures itself he is liable to an action for damages, for the loss and injury the owner of the beast has sustained through his act or negligence. This is a civil suit, which can only be brought in the High Commissioner's Court. I should add that a criminal prosecution for malicious injury does not, according to English law, prevent the party aggrieved from also bringing a civil action in respect of any loss or injury he has sustained thereby.

(6.) Subject to the explanations already given as to the mode of recovering unpaid penalties, it admits of no doubt that the Tongan Government is fully justified in enforcing the observance of these laws on foreign residents.

* * * * * * * *

I have the honor to be,

Sir,

Your obedient servant,

(SIGNED) GERALD BROWNE.

Printed by WILSONS & HORTON, "Herald" Office, Auckland.

7

INCLOSURE G.

I HEREBY CERTIFY that the annexed and foregoing is a correct copy, cerefully compared by me, of the English version of the Treaty this day concluded between the United States of America and the King of Tonga, and signed by the Reverend Shirley Waldemar Baker and myself on behalf of the two Governments respectively, the original English copy having been taken by me to Washington, and the original Tongan copy having been left with Mr. Baker at Nukualofa.

WITNESS MY HAND this second day of October, A.D.1886.

Geo.H.Bates.

"Miscellaneous Diplomatic" 30-

[Filed under Dec. 10 1886.]

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Parts

Brown

REPORT

of

GEORGE H. BATES,

SPECIAL AGENT OF THE ~~STATE~~ DEPARTMENT of State TO SAMOA,

to

THE SECRETARY OF STATE,

December 10, 1886.

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[An extract from this report, comprising pp. 136 to 153.- with the omissions noted - was sent on Mar. 23, 1887, to the British + German Ministers to U.S. + to American Ministers at London + Berlin.]

2

ANALYSIS OF REPORT.

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	page
Preliminary matters	1
Historical Review	9
Résumé to Steinberger's deportation	"
The Malietoa Family	12
Origin of the Puletua rebellion	21
American flag raised three times	23
Treaties with the United States	25
" " Germany	26
Malietoa Talavou crowned	28
" " drives off the old Government	29
Recognition of Malietoa by Sir A. Gordon on advice of three consuls	30
Proclamation to same effect by foreign representatives	"
Treaty with England and Municipal Convention executed	"
War ended- victory of Malietoa, and "Bismarck" peace	31
Malietoa anointed and war threatened	32
Death of Malietoa Talavou- nephew becomes de-facto King and war ensues	34
Malietoa Laupepa anointed King	35
Tamasese declared King of Atua and Aana for two years	"
War ended by "Lackawanna" peace, which continued undisturbed until November 1884	37
The situation and its causes	43
Elements of society to be considered	"
Incapacity of natives for government, unassisted	50
Local foreign influences	60
New Zealand annexation projects	63
Local German influence and action	86
Interruption of Consular unity	105
Land Titles, conflicting	107
Sale of arms to natives	113
Financial difficulties from want of proper circulating medium	117
Statistics of business	119
Labor Traffic	121

3

ANALYSIS OF REPORT, CONTINUED.

The Remedy.-

	page
Malietoa's position	123
Least possible interference with native customs	132
Foreign interruption	136
Principles of future government	137
Executive	"
Legislative	138
Judicial	139
Objections to tripartite control	144
Municipality of Apia	149
Expenses of Government	152
American intervention in the Pacific	154.

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Report of George H. Vaughan
1-5
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Washington, D.C., December 10th, 1886.

Sir:-

Agreeably to your instructions, I have the honor to report that, after my voyage from San Francisco, already reported to you, I arrived at Apia on Tuesday morning, August 17th. I may here remark that the Samoan dates to which I refer in this report will be according to East longitude time, that being the time kept in the group, although its location is in West longitude. This is accounted for by the fact that the early settlers in the islands were missionaries from New Zealand, who carried with them the time of that Colony.

On my arrival at Apia, as already reported, I found G. Travers, Esq., Consul General of his Imperial Majesty the Emperor of Germany, at Sydney, N.S.W., who had come to Samoa as a Special Commissioner, charged with duties similar to my own. Mr. Travers had, just prior to my arrival, notified the King that he had assumed, temporarily, the duties of Imperial German Consul General ad interim, Dr. Stuebel, the late Consul General, having left Samoa and embarked on the S.S. Alameda for Sydney just at the time I left that steamer.

It was stated in Apia that Dr. Stuebel had gone to Germany on a visit, but before I left Apia I was satisfied that he had been recalled.

Within a few days after Mr. Travers had sent his first notification to the King, he followed it with a second, in which he stated substantially, that the duties of the Imperial German Consul were thenceforth devolved upon Mr. Sonnenschein, Vice Consul, and that he (Mr. Travers) would thenceforth devote himself exclusively -

to his duties as Special Commissioner to Samoa. No other communication was, to my knowledge, addressed to the King during the time we both remained at Appia.

While awaiting the arrival of the Representative of Great Britain, I addressed myself at once- as I found Mr. Travers had already done- to the systematic investigation of the political situation, and to the task of gathering such facts as would be serviceble in the consideration of future arrangements respecting the Islands. On Tuesday afternoon, August 24th, H.B.M.S. Miranda arrived in the harbor, having on board Hon. John B. Thurston, the Acting Governor of Fiji, a Special Commissioner of the Government of Great Britain to Samoa. Early the next morning Mr. Thurston called upon me, and also upon Mr. Travers. Prior to the arrival of Mr. Thurston, Mr. Travers and I had very little conversation respecting our duties under our instructions, but very soon after Mr. Thurston arrived, we all met together and compared our respective understandings of the scope of our instructions. While our conversation was very frank as to the nature of the investigation which we each understood was to be made, there was, nevertheless, speedily developed a difference of opinion respecting our relation to each other and the method to be employed in the ascertainment of facts and information to be submitted to our respective Governments.

Mr. Thurston's instructions were entirely telegraphical; and he did not receive, during his stay at Apia, the fuller information by mail which was promised in the telegrams. The latter were, however, very explicit, and were so fully in accord with my own that they might have been taken for a very good abstract of that portion of my instructions which referred to the duty which I was expected to perform.

In our joint conference two points were developed upon which Mr. Travers differed essentially from Mr. Thurston and myself. The first related to the ~~nature~~ end to be accomplished. Mr. Thurston and I understood clearly that the object in view was to compass the establishment and maintenance of an ~~autonomous~~ native government, to be supported, so far as necessary, by the joint influence and action of the three powers. Mr. Travers did not communicate to us the precise nature of his instructions on this point, but I inferred that he was not confined, as we were, to a recommendation in this direction. He was, however, very clear and explicit at that time in the statement of his own conviction that no ~~autonomous~~ native government was at all practicable. As Mr. Thurston and I were, in terms, instructed to report a plan for such government, we felt bound to do so, even if, after due consideration, we might find ourselves compelled in candor to couple with such plan our own opinion as to this impracticability, if so it should appear to us.

The other point upon which Mr. Thurston and I agreed and Mr. Travers differed from us was, as to the methods of investigation. We considered that our instructions contemplated a joint investigation, followed by separate reports; but even if our instructions were not to be considered specific as to methods, we ~~considered~~ thought that, in that case, we were free to adopt a plan of joint investigation upon the view that our methods were left to our

discretion. We also considered that the plan of our simultaneous visits to Samoa involved, impliedly, even if not by express direction, the idea of joint investigation; and upon the ~~same~~ assumption that our instructions did not bind us as to methods, we fully agreed that more satisfactory results would be obtainable if we should conduct our investigation jointly and by constant comparison of views should ascertain the points of agreement which might thereby be disposed of with much less expenditure of time and trouble. Mr. Travers, however, was decided in his views that we had no official relations to each-other whatever; that our investigation and report were to be entirely independent; that we were free to confer together with the utmost frankness, but that any intercommunication of views would be entirely confidential; and at that time, he clearly expressed the opinion that we should not be at liberty to report, even to our respective Governments, any statement or opinion obtained in the course of such interchange of views.

As the result of this exchange of views, we pursued, for a few days, the separate investigation which we had already begun, having, however, frequent conferences-sometimes between two of us, and sometimes of all three.

I felt so fully convinced that the want of fuller co-operation would materially lessen the chances of good results that might flow from our visit, that on September 2nd, I addressed to Mr. Travers a note for the purpose of stating, as I understood it, the difference of opinion which had developed, in order that I might be se-

cured against the possibility of misrepresenting the matter to you. A copy of this note, marked Inclosure A,1, is herewith submitted.

Within a short time after my note had been delivered to Mr. Travers, he called on me and stated that he had just received it and asked if I desired a written reply I said to him that I had written it only to put plainly what I understood to be the difference inout views so that I might not misrepresent him, and that he need not reply to it in writing unless he desired to modify my statement in some respect. He than said that if it seemed necessary, he would write a reply before we should separate. At that time I did not understand Mr. Travers to modify the views previously expressed by him, but he said that he would be happy to converse freely with me at all times on the subject of our inquiries.

I inferred from the conversation that Mr. Travers was somewhat more inclined to go at least so far as a joint examination of persons from whom any of us considered it worth while to obtain facts or opinions: as, however, Mr. Thurston had informed us both of his purpose to depart on September 5th, or two days after the conversation in question, it was then too late to change our course of proceedings, even if I correctly understood Mr. Travers to intimate, rather than to express, his willingness to do so.

I transmitted to Mr. Thurston a copy of my letter to Mr. Travers, in order to afford him an opportunity to correct me if I had misunderstood mis-stated his views.

Copies of my note to him and his reply are herewith inclosed, marked Inclosure A.2. and A.3., respectively.

Mr. Thurston's stay in Samoa was of less than two weeks' duration, as his position in Fiji is such, that, under the Consular system of his government, the correspondence of the Apia Consulate had passed under his eye, he was, doubtless, familiar with the general course of events in Samoa and felt it unnecessary to spend more time there; nevertheless, I regretted very much his early departure. There were some points on which further and frequent conferences between Mr. Travers and myself led often to modification and, in some instances, coincidence of views. I am convinced, also, that Mr. Travers' views upon which our original difference rested, did undergo considerable change. Towards the end of my stay he discussed with me the possible details of a native government, to an extent necessarily involving the idea of autonomy which at first he considered impracticable. It was, it is true, such a government as would depend for its inspiration and strength upon the presence in it of white men, but, nevertheless, not more than does the Government of Hawaii, which is treated in my instructions, and commonly considered, a native government.

Mr. Travers also modified his previously expressed views by assenting that our conferences and expressions of views to each other might be communicated to our respective Governments. This permission, however, was of less value, since these conferences were under his determination, mere informal conversations, and any views which he expressed to me he did not feel bound to ad-

~~here to~~

to adhere to, but considered them liable to change on further reflection..

Mr. Travers never did make any written reply to my communication of September 2nd; the only note from him which I received, not of a purely personal character being under date of October 13th. I had been absent from Apia two weeks on my trip to Tonga, and after my return, having spent a week in Apia, I had been again twenty-four hours absent on a trip to Tutuila, which it was necessary for the Mohican to make, when I received from Mr. Travers the letter referred to, of which a copy is herewith enclosed, marked Inclosure A.4. and it gives his own statement of his verbal reply to my letter of September 2nd. To this letter, received early in the morning, I replied that I had been very busy the two days previous in the examination of some papers relating to the New Zealand projects for the annexation of Samoa which Mr. Travers had lent me; that having finished them, it was my intention to go ashore that morning and return the books and papers, and "put myself at your service during the remainder of my stay here." I promised to call at the German Consulate by noon of that day, which I accordingly did; and during that afternoon, and the remainder of the week, we were frequently together.

These conversations were very interesting, and undoubtedly serviceable, but, owing to the difference of opinion already stated, they were necessarily inconclusive, and served only the purpose of mutual information as to our views respectively.

In order to show how far Mr. Thurston's understanding

agreed with my own with respect to the matters which I have detailed, I may refer to two letters received from him after his departure from Samoa. In anote dated September 6th, after some personal expressions, he suggests a modification which had occurred to him, in arough draft of a plan of government which he had left with me, as embodying his general views on that point, and then adds "It is a matter of regret to me that our colleague could not see his way to regard a native government as within the realm of possibility." Again, while at Tonga, having an opportunity to mail a letter for Fiji, I wrote to Mr. Thurston under date of September 25th, and received a reply dated September 29th, copies of both of which are herewith enclosed, marked Inclosures A,5 and A,6 respectively.

Before leaving this subject, I desire to express the satisfaction which I derived from my intercourse with both of the Commissioners. I was deeply impressed with the ability and fidelity with which these gentlemen approached the consideration of the subject referred to us. Our relations were of the most agreeable character and resulted in sentiments of respect and friendly regard on my part which I am glad to believe were reciprocated.

With the exception of Mr. Thurston's brief sojourn at Apia, and the difficulty experienced by Mr. Travers, under his instructions, of fully co-inciding with our views as to the investigation, I could have desired nothing more with respect to either of them.

Historical Review. &c.

The direction contained in my instructions to report upon "the causes of the difficulties under which the Samoan Government labors," involves the thoughtful consideration of the policical changes which have taken place in the country since the early part of the year 1876. Up to that time, the political history of the country, from the time when it began to attract the attention of the Government of the United States, is quite fully contained in the official papers in possession of the Department of State, and published, mainly, in Ex.Doc. 1st Session, and Ex.Doc.H.R.No.44, 44th Congress H.R.No.161, 44th Congress, 2nd Session. In order, however, properly to understand the subsequent events, it may be stated that the documents referred to contain the several reports of Col. A.B. Steinberger, and various inclosures therewith, together with much correspondence relating to this group of islands.

Col. Steinberger visited Samoa as a special agent of the Government in the year 1873, and early in the following year, having returned to the United States, made his report to the Department, which, though personal intercourse with the natives, has shown that his statements of their characteristics are often incorrect, is, in the main, an interesting and valuable summary of the matters of interest connected with these islands.

Col. Steinberger returned to the islands for the purpose of conveying to the Samoan Government some pres-

ents and messages of kindly interest from the Government of the United States, and with instructions to observe and report further upon Samoan affairs.

At the time of Col. Steinberger's first visit to Samoa, the Government of the country consisted, as reported by him, , of the "Tupua and Pule," the former comprising seven chiefs, not among the greatest but able ones, and the Pula, four chiefs of higher grade. There was no king of the group, although, as hereinafter stated, an attempt to set up a kingdom had been made by missionaries as early as 1869.

At this time (August, 1873), a constitution and code of laws-probably the first written ones- were adopted, after consultation between Col. Steinberger, the foreign consuls and the missionaries. These have been published in full in one of the documents referred to as appended to the first report.

After Col. Steinberger's return he, in 1875, became the Premier of the Government of Samoa. The Samoans, during his absence, had determined to have a king, but being embarrassed in their choice, selected two persons, Malietoa Laupepa and Pulepule, the latter being the chosen Chief of the Tupua party, who were, on January 2 nd, 1875, jointly vested with that office and title.

After Col. Steinberger's return, he pursuaded them that it was impracticable to have two kings, and they then selected as the more important man, Malietoa Laupepa, a young man who belonged to a great family, and the present King.

Elsewhere in this report I have referred to the relative importance of his family in its bearing upon the title of the present King to continued recognition, but it is necessary here to state the position of Malietoa Laupepa in his own family.

It seems to have been readily conceded at this time that the head of the Malietoa family was the most powerful chief in the country, and the proper person to be selected, if there was to be one king. But some difference had ~~prevented~~ previously existed as to who was the real Malietoa. This name possessed among Samoans a peculiar significance, having been first bestowed some hundreds of years ago upon a great chief, previously Savea, who, according to tradition, led the Samoans in a great victory over the Tongans, who were then expelled from the Samoan Group.

On the death of Malietoa Moli, the father of the present King, nearly thirty years ago, there was a division in his family as to whether the title and headship belonged to his half-brother Talavou or his son Laupepa

Just prior to his death, Malietoa Moli had expressed a desire to have his son Laupepa succeed him as head of his family. The latter was then only about twenty years of age, was of a mild disposition, and educated under the missionary influence. His uncle Talavou, on the contrary, was a severe man and a powerful warrior, and having considerable influence, many of the leaders of the Tumasaga, the district of Upolo which has always acknowledged the headship of the Malietoa family, supported his claims. The result was that both took the title of Malietoa, but remained living together, and without war until about 1869 Prior to that time neither of them assumed to be King of Samoa, although the grandfather of Laupepa, known as Malietoa Talavou, as hereafter explained, had been generally acknowledged as such. But their dispute was as to the

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headship of the Malietoa family, with whatever belonged to that position.

The difference of disposition and education of the two men caused the missionary influence to be exerted strongly in favor of the younger man, who, in 1869, was taken secretly from the house where he and his uncle were living together, and was brought, it is said, by Mr. Williams, a Missionary, to Apia and crowned King. Immediately the adherents of the uncle set him up at Mulinuu as a king. The result of this was a civil war between the Malietoas which ended in compromise and the establishment of the new government of the Same Taimua and Pule, which Col Steinberger found there in force on his first arrival in the Group..

The dispute between the two Malietoas before the war was much encouraged by the districts of Atua and Aana, the strongholds of the rival Tupua family, probably with the real object of bringing the later family into power. Finally they took sides, and the war involved the people generally in support of one or the other Malietoa.

When the selection of a King was made in 1875, the uncle, Malietoa Talavou, might have persisted in his claims to be the natural head of his family, and therefore the proper selection, but being, as stated, a severe man, he was feared by the people generally and the choice of the nephew was accepted by his own family, including the uncle and the people at large, and he was accordingly acknowledged as Sovereign of "all Samoa" by the name of Malietoa I.

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The necessity of a clear apprehension respecting the two Malietoas is apparent from an error in the "memorandum in reference to Count H.Bismarck's note tansmitted to Sir E.Malet's dispatch to the Marquis of Salisbury No.300 of October 17,1885.", enclosed by Mr. West to the Secretary of State February 19,1886. It is there stated that the Consular agreement of March 24th,1880, provided that "the present King Malietoa should be supported as the head of the Samoan Government during his lifetime,and that his successor should be agreed upon by the three protecting powers." That agreement in fact referred to Malietoa Talavou,and not to the present King;

When Malietoa was thus accepted as the first head of a new government, the order of things introduced under the auspices of Col. Steinberger was based upon a new constitution adopted by the Taimua, May 18, 1875, and superceding that of August 1873 already referred to.

As I am unable to find this constitution in the printed documents of the Government of the United States, I enclose a copy of it herewith, marked Inclosure B. 1. I may, however, briefly state here, that under it the Government was changed from that of the Taimua and Pule, in which all the powers of government were lodged in a council of chiefs, to duplex hereditary monarchy, in which the kings were to be chosen alternately from what are termed in the constitution, the two great houses of Malietoa and Tupua."

Each king should reign for four years, and, upon the expiration thereof, or his demise, the succession should fall to the other family.

The framework of the government was modeled after that of the American States, with a legislature, called a Parliament, of two houses, that of Chiefs or nobles, and that of representatives. These were called in the Samoan Taimua (a leader) and Fainula, (fai, to do, to make, and nula a command, an order)

A prominent feature of this constitution was the office of Premier, who was the Counsellor of the King, presided in the Taimua and had the right to take the floor in either House of Parliament; and without his knowledge, the King could not act. This office was filled at once by the appointment of Col. Steinberger; for whom it was

undoubtedly created.

Although this constitution embodies a system which seems, to one who has critically observed the Samoans, their character, mode of living and habits of thought, rather elaborate for a people so primitive in all respects; it nevertheless contains much that is worthy of consideration in any scheme for the future government of the country.

Meanwhile, it must be admitted that the Government inaugurated under it was, while it lasted, the only really stable and efficient ~~government~~ one which the islands have had since there has been a considerable foreign population. Nevertheless, it was, under the form of an autonomous representative native government, in fact, a personal government by Steinberger, the Premier, acting through the instrumentalities and forms of a constitutional native government. He originated every thing, and, without doubt, his will was law.

With the causes of the termination of this regime, I have nothing to do; but while there is great diversity of opinion existing among the foreign residents, respecting Steinberger's character, and the advantage or disadvantage of his rule, all concur in the conclusion which I have stated: that it was his government. All agree that he had practically absolute power in the islands, while they differed as to the character of & the use which he made of it, although it will probably not be controverted that at first he had the unanimous support and approval of the foreign residents.

(68)

Leaving out of consideration the allegations and counter-allegations as to Steinberger's character, it is beyond doubt that two elements concurred in bringing about the result which ensued. He lost the friendship and support of some powerful influences which had originally welcomed and afterwards assisted him, but subsequently lost confidence in him. Again, there was manifestly great jealousy engendered among citizens of other nationalities, because he, who had obtained such influence, was an American citizen, and his position and influence were supposed to foreshadow very close relations between the United States and Samoa, and a predominating influence of the former in the Government of the latter. For whatever reason, or reasons, then, Steinberger, the Premier, was arrested on February 8th, 1876 at night, carried forcibly on board of a British Man of War, and, after being kept a prisoner there some time, carried away from Samoa and released in the British Colony of Fiji. To accomplish this result, Malietoa, the King, had been induced by persons hostile to Steinberger, to request his arrest, and, as a consequence, on the same night the King was deposed. This was done by the Faimua and Fainuie at a fono (meeting) assembled immediately after Steinberger's arrest.

He was driven away from the seat of Government at Mulinuu, and on the next day was in Savaii, from which place he was immediately brought back to Apia by the British man of war. He was not, however, permitted to return to Mulinuu, but was protected at Apia by a guard from the man-of-war.

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From this date, the published documents relating to Samoa give no connected history of political changes in that country.

Having been at some pains to inform myself correctly respecting the political history of the country for the last ten years, I deem it proper to present a brief review of the same, feeling convinced that any one undertaking to solve the problem of future government will find this recent history as instructive and serviceable as the investigation of it has been to me.

The entire absence of any government records or archives, and the fact that a weekly newspaper published there from October 1, 1877 to October 1, 1881 is all that remains in the way of permanent record of events, has made it a very laborious matter to ascertain the exact facts. In doing so, I had the good fortune to have access to a complete file of the Samoa Times, the newspaper referred to. I carefully looked through each number of this paper, and also exhausted all other sources of information, not in any case resting on the independent recollection of any one person as to facts obtained by inquiry, nor forgetting to weigh all such recollections with due consideration of those circumstances of bias, association, &c., which are necessary to be remembered in respect to the weight of evidence.

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ment which he created than the rapidity with which it began to fall to pieces after the deportation of the Premier. Very soon, the Government began to show its weakness. Indeed, every thing connected with that event, indicated clearly, both the lack of capacity in the native Government, and the despotic and capricious manner in which, not only there, but in most instances, the consuls and commanders of men-of-war casually at Apia were accustomed to deal with the natives, both in and out of the Government.

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The Premier held his office under the constitution solely by virtue of the King's appointment, and, by necessary inference, was subject to removal by him; hence, under any well regulated government, the King having become dissatisfied with him, would simply have removed him. In this case, however,, instead of this course, which, it is true, would, in view of Steinbergers real relation to the government, have been impracticable, the Premier was forcibly abducted at night and taken on board of a foreign man-of-war. This utterly unlawful act was accomplished, not by the King's own power, but was executed only through the medium of an illegal conspiracy between the American Consul and the Captain of the British man-of-war. So, after this event, even if the King's removal of the Premier were an offence cognizable by the Parliament (so called) which, under the constitution it seems not to have been, he could only have been constitutionally reached by impeachment. In view of any such orderly proceeding, however, the legislative branch of the

Government assumed the right to depose him in the night and to drive him away summarily without notice or hearing.

It detracts nothing from the conclusion to be drawn from all this that no idea of government according to the practice of modern civilization, had, at that time, found a lodgment in the native mind. It detracts nothing from the correctness of this statement to admit, what was doubtless true, that their action then, as ever since, in all attempts at government, was instigated and guided by white men, who have too often used their power to control the natives, not for the good of Samoa or Samoans, but to aid in the accomplishment of selfish ends.

If it be objected that these remarks apply to a period of ten years ago, it must be replied, that, in the first place, that these facts are still pertinent to our inquiry as showing that the only general government worthy of the name ever existing in Samoa, depended for its origin, inspiration and existence upon a white man; and, in the next place, that I have found no one in Samoa, either a white man or an intelligent native, who believes that there has been any advance in the capacity for government among the Samoans themselves.

The deposition of the King was followed, in the course of a month, by the battle and bloodshed at Mulinuu between the British from the Barracouta and some forces of the Samoan Government.

On July 28, 1877, Mr. Griffin, the United States' Consul advised the Department, on his return to his post after an absence of about nine months, that during his absence,

the Pulotua had received sufficient encouragement from foreign residents, to rebel against the Taimua and Faipule and that a battle had occurred at Mulinuu; that the Government was victorious and the rebels surrendered; and, to quote Mr. Griffin, "the authority of the Government is now acknowledged all over the islands."

In order to understand subsequent events, even up to the present time, it becomes necessary to ascertain precisely the origin of this Pulotua uprising.

It must be understood that among the Samoans there are a great number and variety of chiefs. The Government of the Taimua and Faipule was formed of the head chiefs, but back of these were what are known as the Village chiefs, who were not taken into the Government. After Malietoa's deposition, then, there were several causes of dissatisfaction which, being promoted, grew into an organized opposition to the established Government.

The chiefs who were not actually concerned in the existing government became jealous of those who were. Some of the Taimua and Faipule who were devoted to the fortunes of Malietoa, retired from the Government on his deposition. Again, insubordination and insurection were stimulated then, as they have ever been, by the foreign residents in Apia. These organizers and promoters of rebellion against the existing government were not always the same, but there were always those who, becoming dissatisfied or piqued at some action of government, or some want of pliability in those who had ostensibly the power, would promote the spirit of resistance among

the chiefs not then in office. It was the old story of exciting the passions of those who were out against those who were in.

The deposition of Malietoa, and his exclusion from participation in the Government, created a centre, with the prestige of past power, around which the dissatisfied elements could gather and crystallize. From these causes, in the course of a year after Malietoa's deposition and Steinberger's deportation, there sprang up an organization known as pulaiua - literally, the back government, from iua (back) and pula (authority or command). This simply meant the government of the back chiefs, i.e. those who had not been put forward in the Government.

Early in 1877, this rebellion had gathered so much force that the Taimua and Faipule became greatly alarmed, and in April, sent a deputation of chiefs to Fiji to appeal for British protection, without any definite plan orknowledge of what they wanted. They returned on May 23rd 1877, and on the following day, the flag of the United States was hoisted by Mr. Colmesnil, then Commercial Agent, over the Samoan flag. I am credibly informed that this was done by Mr. Colmesnil after consultation with, and with the acquiescence of, Mr. Theodore ~~Webster~~ Weber, then the German Consul. I deem this fact worthy of record here, in view of the energetic protest of the German Consul against similar action by the present United States Consul in May last.

A memorandum of the circumstances under which the flag was raised by Mr. Colmesnil is herewith enclosed, marked Inclosure B.2.

It may be remarked, in this connection, that on still one other occasion our flag was raised in Samoa under somewhat similar circumstances. In February, 1878, the British High Commissioner was at Apia in a man-of-war, urging upon the Samoan Government itsagreement to the Convention(substantially as subsequently agreed to in September, 1879). The Government declined to enter into any treaty or agreement with any foreign power until a reply should be received to its application to the United States Government for a treaty of protection; for such was, undoubtedly, the Samoan idea of the nature of Mamea's mission to Washington. The British Commissioner

was much annoyed at having come on a fruitless errand, and there was, at the time, a good deal of friction between the British representatives at Samoa and the Taimua and Faipule, dating back to, and largely arising from, the incidents of the Barracouta's visit. Threatening demonstrations were made by the man-of-war, marines landed and rumors of an insurrection spread abroad, and there was an apprehension that Sir Arthur Gordon intended to force the acceptance of the treaty at the point of the bayonet. At this juncture, on February 22nd, 1878, the United States' flag was raised over the Samoan, on the Government flag-staff. A full detail of the matter is to be found in the dispatch No. 43 of Consul Griffin, dated February 26, 1878.

Thus, it happened that the raising of our flag over that of the Samoan in 1877 and 1878 was urged, and intended to prevent a supposed British annexation, and the same thing, in 1886, was intended to prevent German annexation, or, at least, practical possession by the German Consul General and men-of-war, of Samoa, which the appearance of things did certainly betoken.

After the battle of Mulinuu, referred to by Mr. Griffin, the Puletua was, for a time, quiet on Upolu, but during the Autumn of that year war in a desultory fashion ~~portion of~~ was carried on in Tutuila between the Government and Mauga, in which the latter was, at first, seriously worsted. At that period, November 1877, Mr. Griffin reported that the English and Germans, having despaired of being able to bring on a conflict between the whites and natives on Upolu, turned their attention to the promotion of the fighting going on in Tutuila. A British schooner carried arms to the insurgents, and some white men, including Mr. Foster, who had been removed from the position of United States Consul, actively assisted the insurgents.

On December 8th, 1877, Mauga, who, entrenched in a fort, had stood quite a long siege, escaped with his forces under cover of night to Aunuu, a small island off the East end of Tutuila about a mile out. He was closely pursued to the shore and fired at while in his boats.

Early in January, 1878, the rebellion in Tutuila was brought to a close by the surrendering of Mauga and all of his forces to the Government. After this, there was no more fighting in the group during the year 1878: and the year was otherwise uneventful, except that the treaty with our own Government was finally concluded.

During this period, there was apparent community of purpose and action between the English and Germans, growing, probably, in its origin, out of the fear, which commenced in Steinberger's time, of a preponderating American influence through him and his connection with the

Government. The subject of an American protectorate which was first mooted by Steinberger, or during his visits, had evidently taken possession of the natives, and in 1877 they sent an envoy, Mamea, to Washington to negotiate a treaty.

In July 1878, Mamea returned with the treaty, which, it is apparent, was erroneously assumed by some American newspapers, as well as by many of the Samoans, to be a treaty of protection. The treaty having been published on July 29th and 30th, a native meeting was held at Mulinuu, quite generally attended, and with some chiefs present from Savaii and Tutuila, for the discussion of the treaty. Mamea was subjected to a close examination as to its effect and the probable operation of different clauses, and the opponents of the Government indulged in much criticism. The only practical result of the meeting was to dispel the idea that the United States had assured assumed a protectorate.

Early in the following year, (1879) the treaty with Germany was negotiated, and, in its turn, occasioned much discussion; and some of its provisions were strongly denounced, both by the white people and natives, as against the Samoan interests.

The points chiefly objected to were the provision that German citizens should be liable to no tonnage dues, and the ambiguity of the provision for the recognition and guaranty of title to lands acquired by German subjects. It was urged that the exemption from tonnage dues would, by the "most favored nation" clause of the

treaty with the United States,be extended to citizens of that country,and that the clause as to land titles not only settled nothing definitely,but paved the way for future trouble.

On February 26,1879,a meeting to discuss the treaty was held at Apia of the assembled chiefs of the district of Tuamasaga,who were collectively termed the Tuamasaga.

This district,containing about two-fifths of the population of Upolu was the seat of the most determined opposition to the existing Government,and the meeting was made the occasion,not only of criticism of the new treaty,but of assault upon the Government (Malo) for its concessions. Three of the Taimuas were in attendance to explain their action; and they were interrogated with the keen sarcasm which distinguishes the Samoan orators.

Despite the success of the Government in quelling the rebellion in Tutuila, the Taimua and Faipule became weaker and weaker and, early in January 1879, Malietoa Talavou quietly returned to Mulinuu, the Seat of Government, and took up his abode there unmolested.

After the deposition of his nephew, these two Malietoas had naturally become the leaders of the pulotua movement which had gathered to itself all the elements of opposition to the Government, and, under the circumstances, the country being at war, it was to be expected that the uncle, a warrior of great repute, should have been pressed into service as the chosen leader.

The custom of the country is that the representatives of a family or party, for the time being, shall be selected by a general consent of the chiefs, from which there can be no appeal. By this method of selection, Laupepa was the chosen head of the Malietoa adherents, both in Steinberger's time and, more recently, and Talavou at the time I am now writing. It was the inability to bring about such general assent for either that produced the Civil war of 1880-1872.

On May 3, after living at Mulinuu undisturbed for four months, the nephew, standing aside in favor of his uncle, Malietoa Talavou, was crowned King at the Seat of Government by the opposition. The proceeding was almost ludicrously imprudent for an insurrection against a de facto government. The Taimua and Faipule were invited to attend.

No resistance whatever was made, the newly crowned king remained at Mulinuu, and on the 28th of the same month the King's adherents warned the Taimua and Faipule to leave, which they accordingly did, leaving Mulinuu in the hands of Malietoa and his followers.

War being now inevitable, an agreement was obtained from both parties by the Foreign Consuls, defining the territory to be treated as neutral - being that occupied principally by foreign residents.

In the first instance the two contending native factions requested the Consuls to define and regulate the neutral territory, which, having been done, the factions accepted the definition made by the Consuls, the limits being expressly set forth in their acceptance.

The papers constituting this agreement are herewith enclosed, marked, respectively Inclosures B. 3, 4.

Two months later, the Consuls issued a notice, warning foreigners against aiding or abetting, in any way, either party to any strife that may arise between Samoans; and requesting foreigners outside of the neutral territory to hoist over their property their national flag, or a white flag, signifying thereby, their neutral position.

On July 24, a formal proclamation was issued by the three Consuls and Captains of the German and American men-of-war, and Sir Arthur Gordon, Acting British Consul General, addressed to the chiefs and natives of Samoa, urging a consideration of the evils of war, warning them that the neutral territory and lands of foreigners would be protected and that neither party would be assisted,

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and tendering mediation to avert war, but not to settle disputes Samoan in their origin.

79

At this time, a deputation of the Taimua and Faipule visited the Lackawanna and were saluted, but as the act gave rise to much comment and misunderstanding, the same compliment was extended to Malietoa.

(Bakus, A 20)

Early in August, 1879, a German schooner was chartered by Malietoa, in which he went down to Savaii. Both he and the schooner were captured by armed men of the opposition, whereupon the "Bismarck" went down and ordered the release of the schooner and prisoners, and fined the capturing party $2500., taking back with her four chiefs as hostages. Shortly after, the fine was paid and the hostages released.

In the same month, Sir. Arthur Gordon came to negotiate the treaty between Great Britain and Samoa, dated August 28, 1879. He consulted the foreign consuls and Captains of men-of-war upon the point whether he ought to treat with Malietoa as King of Samoa, and they unanimously recommended him to do so, which he accordingly did. Among the resident foreign representatives who concurred in this advice was Theo. Weber, Esq., the German Consul.

On the following day, August 29, all the foreign representatives, including Sir Arthur Gordon, united in a proclamation setting forth that they resumed relations with the Government of Malietoa as the only party which had any real Governmental control.

At the same time, the Municipal Convention was en-

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tered into with Malietoa as representing the Government of Samoa, the three Consuls and captains of men-of-war joining therein, subject, as to the Representatives of the United States, to the subsequent approval of their Government. By proclamation of Malietoa and the Consuls, made in December following, the date at which the Convention was considered as having gone into effect, was fixed at September 2nd, 1879..

This Convention having, by limitation, expired in four years, was renewed indefinitely upon the agreement of the Consuls, as appears by the dispatch No.56 of Consul Canisius, dated September 3, 1883. Under this extension, it is still working. The only authotity exercised by it is the delegated authority of King Malietoa, who was the party with whom the agreement of extension was made.

After the recognition of Malietoa by the foreign Powers, the war continued in a desultory manner, but with the decided advantage in favor of the King's forces. On November 16th, 1879, the heaviest battle was fought and resulted in a complete victory for the King's party, the old Government forces being routed. The result was that Captain Deinhart of the German man-of-war then in port, succeeded by his intervention in bringing the war to an end.

The agreement for peace provided that there should be no more war, and that Malietoa Poe (Talavou) should be King, and Malietoa Laupepa, Vice King, to succeed his uncle upon his death. A flag was agreed upon, and on the 23rd of December, 1879, the King and flag were saluted by each of the German war vessels in the harbor. Mr. Weber was the assistant of Capt. Dein-

hart in effecting this settlement with representatives of both parties of Samoans, and all parties agreed to it. In the Samoa Times of January 3, 1880, in referring to this agreement, it is stated that the meeting on board of the Bismarck, called by Captain Deinhart and Mr. Weber, comprised a representative from "nearly every district in Samoa," and the agreement there entered into was probably as nearly a general concurrence of sentiment as has ever been arrived at. The full text of these agreements are herewith enclosed, marked Inclosures B. 5. 6.

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During the Spring of 1880, there were rumors of difficulty in Atua, but on March 12th, Malietoa was anointed King, according to the Samoan custom. Nevertheless, the rumors of attempts at rebellion continued with more or less truth; and during the year, there was some desultory fighting on Savaii, with occasional excitement on the other islands. Many of the Atua and Aana chiefs, however, gave in their allegiance to Malietoa.

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Early in the year an agreement was entered into by the three foreign Consuls to sustain the existing Government and to appoint three foreign advisors to the King. This agreement is already in the files of the Department being Enclosure No. 2 to dispatch No. 145, April 9, 1880, of Consul Dawson, but for convenience of reference, a copy of it is herewith enclosed, marked Inclosure, B. 7.

The view of the United States Government respecting it is stated in Dispatch No. 75 from the Department to Consul Dawson. It was that the agreement was looked upon,

not as a treaty, "but simply as a scheme of arrangement between the Consular body and the Government of the islands for the protection of the interests of foreigners." In this view, "the Gov't. (U.S.) reserved and still reserves the right, at any time to retire from the agreement, as Gt. Britain has notified us that she has done."

This agreement at least shows a clear md definite settlement of the question who constituted the Government of Samoa, and an explicit recognition of it by the three powers theough their representatives.

The three advisers so provided for were selected by the Consuls. Ad. Volkmann (German) Minister of Public Works, T. Trood (Englishman) Minister of Finance, Jonas M. Coe (American) Minister of Justice. They met with the Legislative body, and with their assistance several laws were passed, prohibiting the sale of arms, ammunition and intoxicating liquors to Samoans or other resident Pacific natives, and also prohibiting Chinese immigration, and providing quarantine regulations. In July, however, these three advisers suspended their functions until representatives should have arrived from "all Samoa", which it was then supposed would be by the end of August.

I am unable to find any further appearance of these gentlemen in connection with the Government..

About this time, also, the English ship Dance went to Atua and summarily put down a party of rebels, shelling a town because the chiefs refused to go on board.. The offence of these people was simply the violation of their agreement to keep peace and support the Govern-

ment which was then settled upon.

During the Autumn of 1880, there were again disturbances here and there throughout the islands, but principally on Savaii, there being, however, no active movements against the King's Government. Meanwhile, on October 25th, 1880, sundry laws already referred to as prepared with the help of the foreign advisers, were promulgated, and are still recognized as in force.

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On November 9, 1880, news was received in Apia of the death of the King, Malietoa Talavou, on Savaii, where he had been for some time. Malietoa Laupepa, Vice King and Regent, who, under the agreement of December 1879 had been the active head of the Government, remained the de facto head of the Government after his uncle's death, and continued to carry on the war which, soon after the King's death, broke out in full force. The negotiations for peace, commenced prior to the King's death, were broken off.

For a time, the old Government party, as it was called seemed to be gaining, but their difficulty was in the rivalry between candidates for the leadership.

By the first of the year 1881, Malietoa was fully in control of Savaii, and by the end of February, Manono, Savaii and Tuamasaga chiefs were united in his favor.

Meanwhile, Malietoa was tacitly recognized as the head of the Government, as well by the Taimua and Faipule as by

the foreign Consuls. The German Consul-General apparently, about this time, was accused of encouraging the insurgents by suggesting, or at least approving the proposal to let two governments be formed, but nevertheless, he never ceased to have official relations with the Government of which Malietoa Laupepa was the actual head.

The attitude of the German Consul General on this subject is fully detailed by Consul Dawson in his dispatch No.199 October 26,1880, and also No.215, February 7, 1881.

On March 19,1881, Malietoa Laupepa was duly anointed King, the three Consuls being present.

A little more than a month later- on April 21st,- a gathering of the disaffected was held at Leulumoega, when Tamasese was declared King of Atua and Aana, to hold the position for two years and then be succeeded by Mataafa. In reporting this meeting, the newspaper of that period makes the following comment: "We understand the "Consuls were invited to attend the meeting at Leulumoe-"ga but declined, a course which we believe will have the "approval of all the foreign residents in Apia, and, prob-"ably, in the Group. It is to be regretted, however, that "the Consuls do not take a more definite position in "regard to native affairs. We think that if they were to "proclaim boldly (which we believe they are in a posi-"tion to do) that Malietoa is the only Sovereign in Samoa "recognized or likely to be recognized by their Govern-"ments, and that they cannot countenance any other power

in Samoa, that the difficulties in this Group would be nearer a solution."

This comment is from a paper which, during its existence of four years, appears to have discussed the affairs of the natives with great impartiality; and in a careful examination of its complete files, I have found that it systematically printed the news of the native struggles without any apparent bias. It is at least worthy of consideration how far the foregoing comment may be applicable to the present state of affairs.

85

From this time, active preparations for war went on, but there was no fighting, other than some trifling skirmishes, until the latter part of June, when, the U.S.S. Lackawanna being in port,, Captain Gillis visited both parties in their forts and addressed the chiefs. A desire for a peace conference having been expressed by the chiefs of the "Old Party", the Captain agreed to try and bring it about, at the same time informing them that Malietoa was recognised as King of Samoa by his Government and those of Germany and England. Both parties met with Captain Gillis and the Consuls, June 26th, and the Captain laid before them four articles which he thought would meet the difficulties. After a long discussion, an armistice was arranged for ten days, during which the articles were to be discussed. The Lackawanna having returned from a trip to Pago Pago during the armistice, the two parties again assembled on board July 9th, and the

articles were discussed. When the King question came up (having been omitted from the articles submitted, as not matter for discussion, Malietoa being King) his party offered to compromise by electing Tamasese Vice-King. An adjournment was had for three days. On the 12th, another meeting was held, at which a long discussion ensued, which resulted in the acceptance of the conditions as laid down, and the agreement was signed by the chiefs present, and also by Captain Gillis and the three Consuls as witnesses. A copy of the agreement is enclosed herewith, marked Inclosure B. 8.

This ended the threatened war by the recognition again of Malietoa as the King, and the subordination of those who had resisted his authority, now so often recognized by parties of his own people who had opposed him, by the treaty Powers whose treaties he had signed as King of Samoa, and by the Foreign Consuls in Apia.

The peace thus established continued unbroken until January 1885, when it was disturbed by the incidents which have been the subject of recent diplomatic correspondence.

Concerning this period of three and a half years, I have been careful to make the most searching inquiry of many persons who were resident in Apia during that period. The universal testimony has been that the adjustment of

July 1881, known as the Lackawanna peace, was remarkably successful, and that the Government then established was fully acknowledged throughout the islands. Malietoa, the King, and Tamasese, the Vice-King, with the other officers and members of the Taimua and Faipule, lived together at Mulinuu, and on most, if not all of the official documents of that period, will be found the signatures of the Vice-King, as well as that of the King.

12

There were undoubtedly mutterings of discontent now and again heard from the Tupua faction, but they were allayed by discussion and settled, with the advice of the foreign Consuls, in favor of the existing order of things.

The date of the Lackawanna peace was, as stated, July 12, 1881. During the year following, steps were taken to reform the Government, so far as its Legislative branch was concerned, on the new lines, and on July 12 1882, the new Legislature met for the first time at Mulinuu, representatives from all the districts or provinces being present, and thorough good feeling prevailing (dispatch of Consul Dawson No.330, July 12, 1882.)

Under date of Feb.15.1883, the Government of the United States was informed that a revolution had been threatened at various times during the past four months. At a meeting of the Taimua and Faipule, the Steinberger Constitution was referred to as providing for alternation in the Kingship, between the Malietoa and Tupua families. The Consuls were invited to attend a meeting and their advice was asked. They all concurred in supporting the

proposal of Malietoa, that not less than seven years should pass without change in order to give time for peace and order to become settled. The German Consul-General, Zemp-sch first stated this view, and the other two Consuls expressed their concurrence. The Taimua and Faipule then agreed to the proposition that the existing order should continue seven years and that then the King question might be thought of and discussed.

In July following, (1883) the Consuls were again informed by Malietoa that trouble was brewing and that the opposition wanted him to sign a paper agreeing to resign in seven years in favor of a member of the Tupua family without laying the matter before the Taimua and Faipule. This proposition, he desired to decline, and asked the advice of the Consuls, all of whom supported him in his determination, and the German Acting Consul General Von Oertzen, stated "that his Government had sent special instructions that they were to support King Malietoa by force if need be."

These demonstrations were probably correctly explained by the American Consul upon the theory that the opposition, having been at peace for two years, began to be restless, after Samoan fashion, and desiring to go to war again, were seeking a casus belli. (Consul Canisius No.53 (52) July 11. '83).

However, the matter quieted down and political affairs throughout the Group were again undisturbed until October 11, 1883, when rumors of proposed annexation to New Zealand were rife, as, indeed, they had been from

time to time, the Government and people of that country having encouraged this agitation, and having frequently urged the matter upon Great Britain, but without success.

The history of this agitation I have examined carefully in detail, and elsewhere in this report have endeavored to state its extent and effect.

During all this period, no fighting occurred, nor indeed, any disturbance, except in November 1883 at Pago Pago, a serious dispute about the chiefship between Matuga Ma and Matuga Lei, rival claimants. Some fighting having taken place, the King feared that general trouble might ensue, and, at his request, a British and a German ship, then in the Harbor of Apia, went together to Pago Pago with the Consuls and two chiefs representing the King and stopped the fighting and brought the two rivals to Apia, to remain there one year, which they accordingly did. The effect of this action was excellent and greatly strengthened the Government.

A similar course on the part of the Three Powers would have undoubtedly produced like results in any rebellion or resistance to the King's authority which has occurred, so prompt are their people to accede to the commands of the white men when backed by a slight show of force. The existing rebellion would have been prevented or nipped in the bud if it had been discountenanced by the three Foreign Consuls, instead of having been, as you are already informed, supported, both actively and morally, by the interference of foreigners. To this I shall again advert.

Up to July 23,1884 every thing was quiet,and there were no rumors of war whatever. The authority of Malietoa was recognized,even by the Atuans outwardly,whatever may have been their inward feelings. A striking instance of this was the bringing to Mulinuu for punishment by a party of Atuans,numbering about two hundred,of several murderers.. Under the authority of the Government they were tried and three men were hung during that year,two from Atua and one from Aana,both of these being the provinces which had been opposed to Malietoa during the civil war.

The country then was in a state of profound peace, the authority of one Government was acknowledged more fully than had ever occurred before,even to the unprecedented extent of the administration of capital punishment,never before known in Samoa,except in the despotic methods of barbarism. This Government was fully recognized by the three Treaty Powers.

While I do not doubt that there was a concealed hereditary feeling of enmity in the hearts of those formerly in arms against Malietoa,it was entirely suppressed, and no murmur of it reached the outside world. It was the same sort of feeling of opposition which existed after defeat,in Alsace and Lorraine,in Scotland years after the union,and which lasted in the Southern States long after our own civil war. As in those cases,it did not outwardly manifest itself,at least,beyond words,among those who sympathised with it.

Such was the condition of things on November 1st, 1884, which, for practical purposes, was the commencement of the present period of political disturbance, into the causes of which it has been my special duty to inquire.

The history of the subsequent time is too well understood by you, and its details too fully set forth in the files of the Department to need even a brief rehearsal here. The leading events will, therefore, be referred to by me as facts already well known.

The subject matter of this report, under my instruction, includes the causes of the difficulties under which the Samoan Government labors, the present situation and the remedies which may commend themselves to the judgment of the agents.

It will be manifest that the discussion of any one of these distinct matters necessarily involves one, and sometimes both of the others; and while, for this reason it is impracticable to subdivide the report into separate discussions of the three points to be considered, I shall endeavor to exclude everything which does not bear, either directly or indirectly, on one of them.

ELEMENTS OF SOCIETY TO BE CONSIDERED.

The difficulties which hedge about the present Government of Samoa are due to causes as diverse and complex as are the constituent elements of society in these and other South Sea Islands, and which must be clearly comprehended before any intelligent plan for the future can be formed.

First. There are the natives, who are blessed with a soil and climate quite equal to the gratification of their simple desires, with little or no exertion on their part. The simplicity of their life has reduced the necessary machinery of government to a minimum. Their custom of holding all property as belonging to the inhabitants of the village in common, coupled with a hospitality and generosity quite unsurpassed anywhere, equalize the condition of the idle and worthless and the thrifty and industrious. Hence, there was no temptation to cultivate

the latter qualities. Then, too, the impossibility, under this system, of the individual accumulation of property rendered difficult, if not impossible, a government which involved any expense and consequent taxation. Two of their customs unite in opposing a formidable barrier to the punishment of crime, and, therefore to efficient administration. By reason of the community of property, just referred to, a fine imposed upon an individual, or a tax assessed against him, would be paid by the village or community. Again, the multiplicity of chiefs, the respect paid to rank, extending even to a chief's relatives or connections, and the resentment which would follow any indignity to one of them, resulted in a practical immunity from punishment. Under these conditions, the difficulty, if not impossibility, of any judicial administration as to crimes, by local magistrates, must be obvious.

A good illustration of this I find in the language of a Samoan Judge in sentencing some prisoners, as reported in the Samoa Times of Nov. 16. 1878. As, from my own investigation, I do not consider it overdrawn, a copy of this item is herewith enclosed, marked Inclosure C.

Nor does this case stand alone; but in many notorious instances, there have been natives who, though charged with, and probably guilty of, the gravest crimes, owed their freedom from arrest and punishment to their being sons or near relatives of chiefs.

It is proper to note, in this connection, a difference

between chiefship as a mere social rank and as an office involving the headship of a village. Notwithstanding the respect paid to his rank, the position of a chief or head of a village or community, at least, in one of the many grades below the highest, and probably throughout, rests to a great degree upon popular consent, making a curious mixture of hereditary right and popular choice not without its parallel in modern civilized Governments.

If a chief becomes distasteful to the people of his village, he may be driven off and ordered to go, or sent with an escort, to his wife's relations. An instance of this occurred before my eyes, which affords a good illustration of the continuing force and arbitrary application of natives' customs. A chief of good repute, whose village is within the municipality, was thus ordered off, and went to the village where lived his wife's relations. He was after a while, sent back by them, and having returned to his own home, a meeting (fono) was held, and the conclusion was reached to drive him off again. This was accordingly done and his house pulled down in order to make the banishment effective. This whole proceeding took place within a short distance of the American Consulate, and I saw the meeting in progress near the house, then standing, and in less than an hour, returning from my walk, I observed the ruined house, and on inquiry, learned the cause.

All this having been within the jurisdiction of the Municipal Magistrate, the man could have invoked his pro-

tection and lodged complaint against those who had wreck ed his home, but no such thought occurred to him, and he acquiesced in the harsh affliction to himself of the native customs.

There are many other instances which might be referred to, but as my purpose is merely illustration, I content myself with special reference to the two customs which, in my judgment, have specially interfered with the administration of government by and among themselves.

I lost no opportunity of urging upon all influential and intelligent natives whom I met, the extent of the interference of these two customs particularly with effective Government, and the necessity of wielding their influence against them. I explained to them the equality of all men before the law in our country, and illustrated the fact that, even what they would term the highest chiefs, were with us amenable to trial and punishment for crime equally with the most friendless citizen.

While I do not believe in the hasty and arbitrary interference with native traditions and customs, these two would require the immediate attention, as causing most friction, of those who undertake to build up a stable government in Samoa.

Secondly. The foreign element adds greatly to the difficulty of the situation. It is, of itself, a very complex character, comprising missionaries, traders, adventurers, land speculators, with some white men who embark in

legitimate business enterprises such as might be carried on in any wholly civilized country. With some exceptions, it is undoubtedly true, that the dealings of most foreigners with the natives are actuated by the most selfish motives, and that every possible advantage is taken of the latter.

16/32

The missionaries who have been longest established, are those of the London Missionary Society; but there are also very flourishing missions of the French Romn^n Catholics. The influence of both classes over the natives who have embraced the Christian faith under their teachings is very great. From my intercourse with them, I was inspired with great respect for their self-debying efforts; and they are, without doubt, the most unselfish of foreigners in their dealings with the natives. At the same time, it is always to be borne in mind in weighing their opinions, that, by a law of human nature, they regard most favorably those of the natives who are most thoroughly under their influence. This has been greatly extended by their knowledge of the language. Bearing all this in mind, I think the fact remains that they are the only class who are in Samoa for the benefit of the natives, and who, while their views of what is best for the natives, may be colored by the influence referred to, have no interests of their own to serve.

The traders, so called, are those who deal directly with the natives. They, also, usually understand the language, and are generally actuated solely with the desire

to benefit themselves: Together with the land speculators, and the two classes are often combined, they have in the past, viewed the native wars solely from the standpoint of self-interest, and would seldom hesitate to provoke one if they could profit, either by a change in the Government, or by the readiness to part with the laws which the anticipation of war always produces in the natives.

There has seldom been a time when the islands have not been cursed with the presence of scheming adventurers who have succeeded in obtaining the ear of influential natives to projects of annexation, or modifications in their government which were designed to advantage those who suggested them. The natives, appreciating the intellectual superiority of the white race, yet fail to distinguish that some white men are not worthy of trust as advisers. To this undiscriminating susceptibility to white influence, and the native desire for change, are attributable the kaleidescopic character of their political history, and their frequent and contradictory requests for annexation by foreign powers.

Another element of difficulty has been the undue exercise of authority by the Consuls, almost necessarily incident to the office in a country like this, which, coupled with the want of means of prompt communication with the outside world, has built up an exaggerated sense of the importance of the position, a habit of arbitrary assumption of authority, and of calling on men-of-war in

the harbor to enforce demands despotic in their character, whether justifiable or not. While there have been honorable exceptions in each nationality, I cannot doubt that consuls of all of them have, at different times, been instrumental in fomenting political disorders and bringing about civil war.

10 RR

53

s.c./ INCAPACITY OF NATIVES FOR GOVERNMENT, UNASSISTED.

Such being the elements of society with due regard to which any Government in Samoa must be constituted, I must report, as the result of my intercourse with, and observation of, the Samoans, my thorough conviction that they are unable now, unassisted, either to construct or maintain a government which will enforce authority or command respect. A system of government of their own they undoubtedly had, and, to a limited extent, still maintain, but it has been so interrupted and interfered with by the foreigners who have settled among them that it is doubtful, even if all disturbing influences were removed, whether they could now restore it. They have never had a government which was worthy of the name, as we understand it. They have no conception of the modern idea of Government. That any system of laws should bear equally on all men is to them a thing impossible of comprehension. Probably no better evidence of the truth of these statements could be had than the history of the country for twenty years past.

The question whether there exists in the Samoan race the inherent capacity, unassisted, to evolve a civilization of their own, it is not necessary now to consider. They live under most of the conditions which the most philosophic writers have laid down as essential to such a result, and they have not done it. Whether they would ever do so will not now be tested, as their future must be worked out under the condition of having the white race along side of and among them. Therefore,

it is only necessary now to go so far as to say that they have not, in themselves, power either to establish or to maintain a government over a mixed population of whites and natives, which is the problem presented for present consideration. Indeed I may go further and state that even the limited opportunity for observation which I have had, outside of Samoa, has fully convinced my own mind that an autonomous neutral government cannot be maintained without the aid of white men in any of the Polynesian ~~group~~ communities. This conclusion I have reached after some observation and study of the practical workings of the only two autonomous island communities in the Pacific;—Hawaii and Tonga. As the former was mentioned in my instructions as a sort of example of what might be considered desirable in Samoa, and the latter was visited by me officially, it cannot be amiss for me to use them both as illustrations of the proposition I have made.

The Samoans, are, in my judgment, by nature fully the equals of the Hawaians, and naturally superior to the Tongans; hence, they should be susceptible of acquiring the art of government to an extent quite equal to that of the other two races.

In Hawaii there is a government which has hitherto seemed fully to meet the requirements of the country: The King is a man of good natural parts, of education and refined manners; their legislature has been, ~~considered~~ conducted according to modern methods and contains many native

members of some force, and distinguished particularly by oratorical ability; their judicial system has been effective and administered by men of legal ability and character, and their civil administration generally has been of the average efficiency. Nevertheless, it is incontestable that this Government has been, in reality, at least until a recent period, a government created and maintained by white men, and that its policy has always depended on the views of the particular white men who happened, for the time being, to have the ear of the native authorities. And upon the citizenship of these persons has largely depended the predominating influence of any one foreign nation in the affairs of the country at any particular time.

41/36

It adds much to the force of these observations that if there is any danger of the failure of the Government of Hawaii to meet the just expectations of future efficiency and success equal to that of the past, it arises mainly, if not entirely from the ~~danger~~ possibility that the influence of reasonably disinterested white men, or at least those whose interest is the commendable one of promoting good government, may be weakened, if not supplanted, by the enlarged influence of the native views and habits of thought stimulated by the interference of such white men as commend themselves only by seeking to anticipate and advocate, without discrimination, the views of those who are in power..

So in Tonga, where there is an autonomous native

government, with a King who impressed me as a man of as much individuality and force of character as any other Polynesian native with whom I came in contact, it is a government which, at this time, rests entirely upon the shoulders of one European-a man fortunately of great ability, and who seems to be thoroughly devoted to the welfare of the country which he has endeavored to lead from semi-barbarism to the position of self-respecting, independent nationality.

What may be the possibilities of the Polynesian race for ultimately acquiring the art of self-government it is impossible now to foresee; nor is it probable that either the present or the next succeeding generation will conclusively develpp them fully. It is sufficient, as the basis of present action, that the only practical experiments of autonomous government, according to modern ideas, in Polynesian communities, as well as the conclusions of every intelligent actual observer, alike point to the conclusion that such governments will inevitably draw their inspiration and their vital force from persons of the white race, who by accident or design, may be in a position to exert their influence. In reaching this conclusion, I have not depended solely on my own observation, but the result of that has been re-inforced by the opinions, carefully obtained, of intelligent foreign residents of each of the three groups which I was enabled to visit.

Cotter

57

Such, then, being the situation, the dilemma which presents itself is, whether the necessary interference in the affairs of these groups- Samoa being the one now under consideration- shall be an authorized interference, under the control or oversight of one or more foreign powers, or an unauthorized and irresponsible interference of individuals of the white race incidentally resident in the islands, whose influence over the natives may be acquired, not so much by reason of capacity and an unselfish desire to promote the welfare of the people of the country, whether natives or foreign residents, as through craft, trechery, appeals to unworthy motives, promotion of native jealosies and other selfish instrumentalities. With a few honorable exceptions, it is unfortunately true that the irresponsible influence of private individuals in these communities is likely to be of the latter rather than of the former character; and when it is so, selfishness and greed, and not the desire to elevate and improve the natives, is the uniform rule of action, and the guiding spirit of the influence exerted.

It is hardly extravagant to say that, in the main, all influence by private individuals in the government of these communities is prompted, to a greater or less degree, by selfish interests or designs. That it should is so, arises almost of necessity from the frailty of human nature. Philanthropists, pure and simple, are rare, even among the most enlightened peoples of the world: self-interest is the main-spring of human action, and none

54

12

the less so among the foreigners who, many of them by mere accident-find themselves located in the islands of the South Sea. The consciousness of weakness on the part of the natives, and their thorough admission of the superiority of the white race, renders them peculiarly susceptible to the influence of white men, while they are unequal to the distinction between mere intellectual superiority and moral character. Hence, it is not difficult for an unworthy foreigner to exercise an influence over them for the most selfish ends. In Samoa, this cause has largely aggravated the natural tendency of the native chiefs to dissension among themselves; and in all their internal troubles and native wars for many years, the influence of the white man is readily discerned as a factor both potent and mischievous. Evil forces being everywhere more active than good ones, and the more so in a chaotic and primitive condition of society, it is not surprising that in a contest between such forces as are exerted by irresponsible individuals located among the natives, the self seeking and unscrupulous settler has hitherto made his influence more effectual among the natives than that of the few who concern themselves rather with the well being of the country and its inhabitants than with the pursuit of such profit as may be made for themselves without much discrimination as to the means and methods of acquisition.

The same considerations apply, to a large degree, to the interference in these groups by foreign powers, based solely upon what is termed protection of the interests

of their own citizens or subjects.

It would require much less opportunity for observation than I have had to convince a candid mind that the basis of the interest shown by most foreign Governments in the South Sea Islands rests, after all, upon a selfish foundation. Where such influence is exerted, as has often happened, solely for the purpose of supporting the pretensions, or upholding the so-called interests of citizens or subjects of the power interfering, it, in many cases, simply intensifies and magnifies the most selfish and unbeneficent influence upon the native chiefs by giving to it the backing of a strong and, to them, irresistible power. It is indisputable that this alleged protection of private interests is the gateway through which foreign domination has entered into the islands of the Pacific, and without any right or title except that by which the lion appropriates the quarry slain by the jackal, it has been applied upon so enlarged a scale, that there now remain but three principal groups of islands whose autonomy is respected by the great powers.

From my friendly conferences with the British and German Commissioners, I was led to conclude that their habits of thought tended strongly to the idea that the right of arbitrary interference with the government of semi-civilized people and control over its subjects, sprung directly from the mere fact of the residence in the country of subjects of their respective Governments, and had relation, mainly, if not exclusively,

to the magnitude of property interests acquired by them there. This view would be the natual result of the practice of Eurppean governments, of annexing, or assuming protectorates at will over, any such country in which their subjects had settled and acquired property interests. The German Commissioner always insisted on the right of a predominating influence for Germany, and strongly urged that German interests were of greater magnitude than those of any other nationality. The British Commissioner, pursuant to his instructions, opposed any individual predominance as among the three Powers, but nevertheless contested the position of our German Colleague as to the relative importance of German interests.

I was not, and am not now-after much reflection upon the subject- prepared to admit that in this age of the world, mere possession of power to do so, carries the right to destroy the government of a country like Samoa, and to create a new one at will, dependent for its existance and continuance upon what is, in reality, the brute force of the foreign powers, although applied according to modern methods. I believe, and so expressed myself to the Commissioners of Great Britain and Germany, that any action of our Government respecting Samoa would not rest upon the mere existence of American interests or property in that country. While these would be protected independently of any interferebce with the Government of the country, the action now being taken rests upon the

broader grounds of a national, and not an individual interest in the preservation of some neutral ground in the Pacific.

The theory upon which has rested, up to this time, all the dealings of our Government with the Indian tribes has been one which recognized their nationality and denied the right of our people to appropriate their lands by brute force, or otherwise than by virtue of treaties, entered into by them voluntarily, and upon full explanation and consideration. It matters not that the practice of our citizens respecting the Aboriginese may not in all cases have accorded with this theory: the principle has been most persistently maintained, and must be accepted as necessarily underlying all governmental action.

If such a rule of action were adopted and adhered to respecting those semi-civilized or barbarous people who inhabit the territory of the United States, I felt authorized to assume that an equally just and equitable principle would be applied in dealing with similar races outside of our territorial jurisdiction.

In the latter case, at least, we are happily unembarrassed by the practical difficulties attending the application of the principle to the Indian tribes, upon whose boundaries an active and progressive portion of our people are ever pressing forward, and coming in conflict with the natives.

In considering, therefore, the important questions respecting the future of Samoa which are raised by my instructions and referred to me for investigation, I have

constantly kept in view as a fundumental condition, that all suggestions which I might make, must necessarily be squared with the theory that the country belonged to the Samoans, except so far as parted with by them voluntarily, and obtained from them without fraud. This has rendered it necessary, in weighing all plans and suggestions for the future government of the islands, to regard the Samoans themselves, their customs and traditions, as factors of prime importance, to be treated with far more consideration that it appears to be usual for the nations of Europe ~~afx~~ to accord to such peoples. Their custom has been simply to take possession, ~~of~~ by the vis majeure, of any group of islands or semi-civilized country, and govern it as an appendage, without any, or at least no more than a merely nominal and compelled consent from the native authorities.

The arbitrary manner ~~in~~ which, at different times, representatives of Great Britain and Germany have dealt with the Samoans-going so far often as to impose heavy penalties upon them for injuries to their respective subjects without any semblance of judicial ascertainment, either of the existence or extent of such injuries, and enforcing such penalties at the mouth of a man-of-war's guns, serves to illustrate the habit of applying to such peoples simply the law of superior force.

It is beyond question that the present attitude of the Samoan Chiefs is one of such subserviency to the conclusion ~~to~~ which it is expected will be reached by

the three Great Powers concerning their future, that acquiescence may be expected in such conclusion, whatever it may be. Nevertheless, I have assumed that any agreement respecting them to which the United States is a party, must be based upon the American, rather than upon the European theory of dealing with such peoples.

18/30

LOCAL FOREIGN INFLUENCES. /s.c.

In addition to difficulties arising from the characteristics of the natives, much of the present trouble is due to the white settlers.

Leaving out of the question the purely selfish interference of foreigners with the natives, of the white men residing in the group there have been more Germans and British subjects than citizens of the United States. While hitherto the interests of Germany have largely predominated, those of British subjects have lately increased to such an extent as seriously to rival them.

The increasing tendency of these two nationalities to annex, and otherwise absorb Polynesian territory has naturally led the subjects of both nations to anticipate the annexation of Samoa by either Great Britain or Germany as quite certain. It resulted that residents of each nationality have for many years actively engaged in the promotion of schemes of annexation by their own Government, and to forestall action by the other. To this end, there were constant intrigues to influence the native rulers for the time being, or, if that could not be done,

to off-set their inclination to the other side by fomenting native dissatisfaction and opposition to the Government, with the hope of bringing about a change, not only of the natives in power, but of the controlling outside influence.

Whatever may have been the attitude of the respective Governments,- and their recent diplomatic assurances that annexation was not intended are quite ample,- there can be no question that their subjects have acted on the contrary theory. Nor is this surprising, inasmuch as, within a very recent period, both Great Britain and Germany have made formal proposals to assume control of the Group.

It will presently appear that Great Britain did finally peremptorily forbid agitation by its subjects of annexation, but I feel confident that before the arrival of Mr. Travers, the position of his Government was not understood by its subjects to be adverse to their plans of practically taking possession of the islands. There can be little doubt that to this result was tending the course taken by the local German representatives at the time when it was arrested by the events of last May, which removed from Apia the settlement of the future condition of the islands.

Even during my visit, I never heard a suggestion respecting the future from the German Commissioner which did not involve the administration of the group by Germany, though it was suggested that this should be done

under a treaty guaranteeing the rights of people of other nationalities, a proposition which will be hereafter considered.

The action of British and German subjects and local representatives upon the present condition of Samoa has, in my opinion, been thus general and reciprocal in its influence, but each has had a distinct bearing which renders proper a more particular and separate statement of its character and extent.

While, at times, projects for a protectorate by the United States have been much discussed, the policy of this Government was so well understood by its own citizens, and by foreign governments and their subjects, that such schemes have not gathered sufficient headway in recent years to render it necessary to refer more particularly to them, as an element of the present situation, except so far as the action of Consul Greenebaum last May has affected it.

While I believe that if that action had been ratified by the Government of the United States it would have given general satisfaction to the foreign residents in Samoa-excepting, possibly, the German Company of which Mr. Weber is the head- the adverse decision of our Government was so generally anticipated that the only effect of the Consul's action upon the Samoan problem was to remove it elsewhere for solution, and to arrest the operations of the German officials and residents then at Apia.

Wellington 12 RR 66

NEW ZEALAND ANNEXATION PROJECTS. 63a

The subject of the annexation of Samoa to Great Britain or New Zealand has been agitated from time to time with great persistency, and has undoubtedly been one of the disturbing influences in the group.

Inasmuch as in the course of our friendly conference, this subject was much referred to, and evidently great stress was laid upon it, as one of the principal causes of trouble, I examined with great care, the history of the agitation as contained in the printed official documents of Great Britain and New Zealand.

It has already been noted that early in 1877 the Samoan Government, during the civil war which had then demonstrated its weakness, sent a deputation to Fiji to pray for annexation to Great Britain. To this application, no attention was paid, the request being vague and indefinite.

In August, 1879, the treaty was signed by which Great Britain recognized the independence of Samoa; and it was not until 1883 that the subject of British Colonial annexation began to be actively discussed in Australia and New Zealand. The basis upon which the agitation rested is well stated in a letter from Governor Jervois of New Zealand, to the Secretary of State, enclosing a bill proposing a general scheme of permissive annexation of the Pacific Islands then under consideration in the Colonies.

63 (1)

The language used is this:-

"That the British Government should under existing circumstances, take steps for the establishment "of its rule over such islands in the Pacific as are "not already occupied by or under the protection of a foreign Power, and the occupation of which by any foreign "Power would be detrimental to the interests of Australasia."

(I) The earliest definite movement in this direction respecting Samoa, seems to have been connected with the visits and operations of Mr. John Lundon, formerly a representative in the New Zealand Assembly, who visited Samoa in 1883.

Two reports of what Mr. Lundon saw and did were made, one being his own statements as made in the New Zealand Herald September 17, 1883, and the other being a communication from Samoa to Mr. De Veoux, High Commissioner, in the same month, the writer of which is vouched for by the High Commissioner, and his statements considered by the latter possibly in connection with information which he may have had from other sources, of sufficient credit to be made the basis of an official communication to the New Zealand Government.

Mr. Lundon, in his newspaper reports, represented that there was no government worthy of the name; that the Consuls mixed in everything, and that their influence was crossed by the Missionaries who were, in turn, watched by Europeans who had interests in the islands.

68

In connection with these reports from Lundon, there also appeared in the New Zealand paper, Sept. 18, 1883, a draft of a petition proposed to be circulated in Samoa, (1) setting forth that the petitioners had observed with concern the relations existing between the natives, and the unsatisfactory condition of the political government and social order in Samoa; (2) referring with approval to the proposed bill permitting annexation by Colonies of Pacific Islands ("Permissive Annexation Bill"); (3) expressing belief that all these evils (in Samoa) would be terminated by annexation; (4) advising a commission to consult on this subject; (5) details to be arranged when basis of annexation is concluded.

The New Zealand Herald stated that Mr. Lundon, at the time he wrote on the condition of things in Samoa, and urging annexation, did not know anything about the "Annexation Act" passed by the Legislature, (not yet approved by Great Britain).

It was after these publications that the High Commissioner's "Informant" writes of the excitement which they had created in Samoa, and refers to the petition as having been drawn up by Sir. George Grey and others in New Zealand upon the representations made to them by Mr. Lundon.

The "Informant" states that this paper had a most undesirable effect on the opposition party, who made it a protest for claiming that Malietoa had been trying to sell the country, asserting that they would resist annexation by force.

65

(3)

It appears from the statements of this writer that Lundon had, by his mischievous talk among the natives, contributed to this state of affairs; that having failed to enlist Malietoa in his scheme, he abandoned his efforts in that direction and conferred much with Tamasese and Masua, who, at that time, were still connected with the Government; that he visited Savaii to agitate the subject there. And it was intimated further, that Tamasese appeared to encourage Lundon for the purpose of furthering his (T's) personal ends by furnishing him with means for claiming that Malietoa was trying to sell the country.

In October 1883, the High Commissioner, in forwarding his informant's letter, writes to the Governor of New Zealand, and after referring to the arrangement, July 1881, under which Malietoa Laupepa was made King and Tamesese (the head of the opposition) was made Vice King, he says: "The action now being taken by persons from New "Zealand is thus calculated to defeat the object which "the Parliament of that Colony appear to have had in "view in passing the recent "Permissive Annexation Act."

He earnestly urges the New Zealand Government to check the mischief going on, referring particularly to Mr. Lundon's efforts at Apia.

After the receipt of this letter by the Governor of New Zealand, and its communication to his Premier, the latter disclaimed to the Governor any sanction or authority for Mr. Lundon's actions; and the Governor wrote to

the High Commissioner that the Annexation bill was not yet a law (not yet approved by Great Britain) and that Mr. Lundon's course was not authorized.

Meanwhile, in November 1883, Malietoa was induced to prefer an application to Great Britain for the annexation of Samoa, and said "I and three-fourths of chiefs and people of Samoa wish to see put up the flag of Great Britain at once."

This was doubtless mainly the result of the efforts of the unauthorized New Zealand agitators, as there was at that time nothing in the condition of Samoa to press him into this position, as there was at the time of his application, a year later.

Malietoa's application seems this time to have been transmitted through the Government of Fiji. Transmitting it, Captain Ackland of H.M.S. Miranda, writes that natives said, if civil war broke out in Tutuila, they would hoist the English flag over that of Samoa as a battle flag, and also, that "German traders would not object to annexation to Great Britain but merely as a matter of sentiment would rather see the German flag flying, for they feel that this Colony would thrive much better under the British flag than under the German or Samoan."

In referring to the same application, Mr. Thurston gives his views upon the autonomy of the Samoans.

"Natives of Polynesia are neither capable of forming nor "of maintaining any government worthy of the name-" "any "attempts to do so only likely to afford opportunities for

"involving themselves in difficulties with foreign powers "and for entanglements with private speculators and low "class adventurers. x x 3 stars

"For years past peace and order have been maintained "in these islands by German and English men-of- war and "German and English consuls x x 3 stars.

To Malietoa's petition no attention was paid by Her Majesty's Government, as appears from the memorandum of the British Foreign Office October 17,1885, which was furnished with my instructions.

About this time, the Convention of the Colonies to consider annexation, then in session at Sydney, resolved that it was proposed to limit occupation to such an extent as will only be sufficient to prevent interference by Foreign Powers..

In expressing to the Convention his views respecting the South Pacific, Gov. De Veoux of Fiji said: "I have "gradually formed the opinion that control on the part "of the Confederated Colonies over these islands, af- "fords the only reasonable prospect of material and mor- "al advantage to them, and the only rational hope that "they will, for centuries to come, prove of any substan- "tial benefit to the world at large."

~~In October 1884 a somewhat prolonged series of ne- gotiations was opened between the New Zeland Government and the British Foreign Office, respecting the annexa- tion of Samoa.~~ not

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This period of agitation was brought to a close by correspondence between London and the New Zealand Premier. The former wrote, February 25th, 1884, urging his views, and, in the course of his letter, he says that he had three meetings with the Samoan Parliament "and I advised them to get their islands annexed to New Zealand."

The Premier's reply, dated May 30th, 1884, states that he ~~states~~ repeats in writing opinions recently expressed verbally, and says "My colleagues agree with the opinions I "stated to you, namely, that the Assembly having passed "'The Confederation and Annexation Bill, 1883,' which was "reserved for the expression of Her Majesty's pleasure, "and has not yet been assented to, the ~~German~~ Government "are not in any way empowered to receive applications for annexation; and that now- in the absence of authority, and "while the Imperial Government have the matter under "consideration- to take action of any kind respecting "Samoa, or to encourage the visit of the proposed deputation, would certainly prejudice, if not defeat, the "object which it is stated a large proportion of the "people of the group desire to secure."

This is probably a fair expression of the attitude of the New Zealand Government at this time, and prior to the events which excited the dread of German annexation or predominance in Samoa. That no apprehension on this subject then existed appears from the following extract

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from the letter of Des Voeux to Governor Jervois, October 26, 1883:-

4 "As Germany is not a colonizing Power, it is not "impossible that her Government might regard with favor "the annexation of these islands by England, in the as- "surance that the possession of the private property "of German subjects would be thereby guaranteed. But, "however this may be, a disposition of this kind is not "likely to be induced by an agitation which places in "immediate peril interests which have hitherto been pre- "served at so heavy a sacrifice."

H(2) In October 1884, a somewhat prolonged series of negotiations was opened between the New Zealand Government and the British Foreign Office respecting the annexation of Samoa.

October 22d Premier Stout telegraphed the Agent General to try and arrange for New Zealand the option of ~~annexation~~ annexing or confederating Samoa under the bill of last year. On the same day, the Agent General replied that he could do nothing officially,- it would entail refusal, but could represent the matter privately.

On November 19th the Governor of New Zealand (Jervois) telegraphed to the Secretary of State the desire of New Zealand Ministers that Great Britain, in negotiations with France and Germany would secure Samoa and Tonga to New Zealand, and offering guarantee of costs by the New Zealand Parliament. On December 11th this telegram was laid before the Foreigh Office, together with another telegram from the Governor of December 6th, saying that he had forwarded a petition of the King and Chiefs of Samoa to her Magesty to annex Samoa. The Governor states that he is not aware of the circumstances under which the petition was drawn up. It was forwarded to him by McArthur & Co., to whom it was sent, but they had no connection with the movement.

The last telegram introduces the agitation which had again broken out in Samoa. The difficulties between Malietoa and the German Consul General which are elsewhere stated, had culminated in the pressure upon the Samoan Government to execute the treaty with Germany which had been so resolutely pressed by Dr. Stuebel, and was finally executed November 10th.

A petition dated November 5th, and signed by the King, Vice King and forty-eight chiefs was addressed to her

Majesty the Queen, referring to the petition sent "nearly a year ago" and complaining that "no answer has been received".

Exactly one week afterward Malietoa, having been induced to sign the German Treaty, addressed to her Majesty another petition, dated November 12th, assigning as the reason for the renewed application the painful apprehension that Germany intended to annex the islands, and excusing the Samoan Government for their assent to the treaty under these fears. On the same day, he addressed a note to the British Consul, advising him of the petition and giving the same statement respecting the German treaty.

Subsequently, Malietoa addressed a communication on the same subject to the Consul of the United States, which was dated December 1st, and which was evidently intended as an explanation to the Government of the United States of his action in soliciting the interference of Great Britain. Copies of these communications from Malietoa are herewith annexed marked Inclosures D. 1, 2, 3 & 4.

This second application was transmitted to England with sundry papers relating to the transactions of November in Samoa, but they were not received until January 1885, after the previous one had been acted upon.

The Foreign and Colonial Offices concurred in an understanding to reply to the Governor of New Zealand adversely to annexation, but owing to circumstances connected with New Guinea &c., the telegram was not sent until January 3rd, 1885.

During December the German Government communicated, through Sir E.Malet at Berlin and Count Munster at London, the information received by it of efforts on the part of the King of Samoa to obtain a British Protectorate, and that private individuals had been working in the islands of Samoa and Tongs for British Annexation, and requesting an assurance on that subject, and that the Government of Samoa should be informed that such a movement was disapproved by Her Majesty's Government. Both of these things the British Government were willing to do, but the action was delayed, as above stated, by the New Guinea occurrence.

Meanwhile, persistent telegrams from the New Zealand Premier to the Agent General urged the annexation of Samoa, Tonga and the Hervey Group, and the Agent General kept replying that it was ~~important~~ impracticable. At last, the New Zealand Governor telegraphed futther urging annexation and about sending a steamer to Samoa; and this brought, on January 3rd, 1885, the answer which practically forbade action by the New Zealand Government, stating that "German Government has given and received "assurance within last few days that independence of "these islands should be maintained."

In reply the New Zealand authorities promised that no steamer should be sent, but complained of the circumstances attending the signing of the German Treaty of November 10th 1884; but on the following day, the Premier of New Zealand telegraphed to the Premier of Victoria making somewhat excited complaints of the "supineness"

of the Home Government, and as a result, instructions were telegraphed to the Agent General of Victoria to unite with the Agent General of New Zealand in protesting at London.

After the exchange of assurances, respecting the independence of Samoa, between the British and German Governments, further correspondence ensued between the New Zealand Government and the Home Government, the former again urging that it be allowed to send a steamer to Samoa and arrange matters on the spot.

The text of the German treaty having been received in New Zealand, was telegraphed to England with complaints of the New Zealand Goverment respecting the assurances given to Germany, and that the German Consul's action regarding the treaty was a breach of the assurances exchanged. The desire of Malietoa and his people for British annexation was again urged, the subject having been renewed in another letter from Malietoa to the Governor of New Zealand, dated November 25th, 1884; and also a letter from Mr. Churchward, the British Consul, in which he represents the feeling in Samoa in favor of annexation to be very strong and general; and with reference to the application from Malietoa, he adds: "Your Excellency may be surprised at their not having sent their application through me, but in reality, they were acting "in strict accordance with my advice, very frequently "sought for, viz., that if they wished Great Britain to "take favorable notice of their wishes as to the matter "of cession, it must not be the result of official in-

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"fluence, but must be an unconditional act of and from themselves as a nation; also, that it must be the desire of a decided majority."

The new German treaty was then the subject of communications between the British and German Governments, and the New Zealand Government again urged that permission should be given to send their steamer to Samoa to make an agreement similar to that of Germany. The Governor, in telegraphing this proposition, added his own disapproval of it, very sensibly remarking that ~~the proper plan~~ "if the internationalization of the islands "is to be maintained, I feel it should rather be by the "cancelling of special advantages conceded to Germany "or any other power, than by making counter agreements."

The British Government now ordered a war vessel to Samoa, and so advised the New Zealand Government, but the latter still urged the project of sending its own steamer; or, if that should not be permitted, requested that the British vessel should call there and take a New Zealand Minister down to make an inquiry. The Governor, in telegraphing this request, again expressed his own dissent from the request of the Minister.

On January 20th, the Foreign Office replied that the Government could not approve; that the question was not regarded in Europe as one depending on the national feelings of the Samoans, and that there was no reason for the inquiry which the Government of New Zealand contemplated making.

The Governor telegraphed on the following day, "No "steps will be taken here," and this concluded all correspondence relative to the proposition of the New Zealand Government to send to Samoa its steamer, the "Hinemoa."

In concluding a summary of the entire correspondence, the Governor of New Zealand, whom the correspondence shows to have been much more conservative on the subject of annexation than his Ministers, expresses his own feeling with respect to the annexation of Samoa and Tonga as follows:- "I cannot but feel that the annexa- "tion of these Islands and of Tonga, in some form or other "would be most desirable in the ~~xxxxxx~~ interests of "the Islands themselves, of this Colony, of the Empire as "whole, and of other powers concerned.

"There is no hope that a purely native government "will be able to deal with the complicated questions "which must arise from the presence of numbers of Euro- "peans of different nations, and possibly an influx of "Asiatics and Americans.

"An irregular sort of government by foreign consuls "acting in the name of a native King is unsatisfactory, tends "to complication and misunderstanding, and at best, can- "not be firm. The only means, therefore, of avoiding "anarchy is by placing the administration of public af- "fairs in the hands of one civilized State- in a word, "by annexation. The question then arises, which state "shall annex? And, whilst observing that the natives

"themselves express a decided opinion in favor of the "United Kingdom, I submit that the interests of all na- "tions would be best served by Samoa becoming a British "possession under such guarantees as would be satisfactory to other powers."

He argues that foreigners in British Colonies are always accorded equal rights &c., and concludes;

"At the same time, I do not lose sight of the fact that "no step can be taken in the way of annexation without "consulting the wishes of other powers who possess im- "portant interests in the South Pacific."

The discussion of the Samoan Treaty continued between the British and German Governments, the latter, through Count Munster, in a note of January 28th, 1885, stating its intention to ratify the treaty, and adding a request that the former should put an end to the agitation for annexation from New Zealand.

(3) Before this note was answered, information was received in Europe of the proceedings of the German Consul General at Apia on January 23rd. The first information of it seems to have been received from the German Government through Her Majesty's Ambassador at Berlin, and was accompanied by assurances from Prince Bismarck that he had no intention of sanctioning either annexation or a German Protectorate in Samoa.

When the news reached New Zealand, the telegraphic correspondence with the Home Government was re-opened.

The Governor reported that Malietoa had written to him protesting against the action of Dr. Steubel. Malietoa, in the letter here referred to, and also, in one of the following day to the British Consul, complained of the harshness of the German Consul, and that Tamesese had stated his expectation of being made King at Mulinuu within a few days. It was after the receipt of the telegram from the Governor of New Zealand that the British Foreign Office replied under date of February 16th, to Count Munster's note of January 28th, the latter having been, meanwhile, the subject of correspondence between the Colonial and Foreign Offices. In his reply, Earl Granville objects to the German treaty and states that the feeling in Samoa for annexation "appears to be spon-"taneous and genuine, and there seems to be no more rea-"son to suppose that it has been instigated by English-"men than that it has been intensified by the recent "action of German representatives." He expresses "gratification with which I had learnt from H.M. ajutnt "sador at Berlin, and from your Excellency, that your Gov-"ernment had promptly repudiated the action of their "Consul at Apia in hoisting the German flag over some "land there." And yet Dr. Steubel did not remove this flag until more than a year after this time.

In the correspondence between the Colonial and Foreign Offices which preceded this dispatch, the former expressed the opinion that there were no grounds for Count Munster's complaints about New Zealand agitation,

adding "The feeling in Samoa in favor of English annex-
"ation appears to be spontaneous, national and genuine."

Nevertheless, on February 18th the following caution was telegraphed by the Secretary of State to the Governor of New Zealand: "Forward by first opportunity "to Consul Samoa direction not to give any countenance "or support to any movement for annexation to Great "Britain."

At the same time, the Secretary of State wrote to the Governor of Fiji, ~~and~~ also ~~to~~ the Acting High Commissioner for the Western Pacific, as follows:-

"Her Majesty's Government are in communication with "the German Government with a view to maintaining their "agreement that both countries shall respect the inde-"pendence of this group of islands (Samoa), and I have "therefore to direct you to cause the Samoan Government "to be informed that any movement in favor of British "annexation is disapproved by Her Majesty's Government."

Of these communications the German Ambassador was informed on March 23rd. The renewal of the agitation in that Colony, however, which had followed the proceedings of January 23rd at Apia, was not so easily arrested. Mr. Lundon had been at work in Samoa and had obtained the passage of an act for the annexation of those islands to New Zealand, a copy of the translation of which act, dated February 9th, 1885, is herewith emclosed, marked Inclosure, D.5.

This bill was enclosed by Lundon to the Premier of New Zealand in a letter of March 16th, arguing that the Samoan Parliament had been judicially recognized by the Supreme Court of New Zealand in the case of Hunt vs. Gordon; that great disappointment would ensue if the proposal were not acceded to; that the German interests in Samoa were greatly exaggerated, the traders being mostly British; that Mr. Weber, the head of the German Company, was actively promoting the rebellion, and that the expenses of annexation would be light and easily recouped by customs duties.

This letter, and the Samoan Act, were forwarded by the Premier to the Agent General, urging that Great Britain should yield to the joint representations of Samoa and New Zealand, proclaim Samoa a part of the British Empire: that if this were impracticable, then that a treaty was necessary between the three powers to preserve Samoa as Neutral territory.

A few days later, Mr. Lundon again writes to the Premier of New Zealand, enclosing a letter from Malietoa to Sir George Grey, commending to him a native deputation to New Zealand, because, as he says, "Mr. John Lundon has told "us that you take a great interest in the Pacific Island "people." There was also enclosed a letter from the King to Lundon, in which he uses the expression "By your de- "sire my Government has passed a bill."

A subsequent letter from the King to Lundon was also enclosed, bearing date February 16th, and saying that the deputation is not going to New Zealand by request of

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the British Consul.

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A fourth enclosure is a letter from the King to Messrs. Grey and Lundon, February 17th, asking them to act for the Samoan Government as Agents to arrange annexation to New Zealand.

Sir George Grey replied to the King, April 14th, in a long and admirable letter, advising independence rather than annexation as best for Samoa; and the Premier replied to Malietoa, April 2nd, that New Zealand could not take steps for annexation, in view of negotiations going on between Great Britain and Germany.

This statement was the result of the correspondence which had been going on with the Home Government, and the subject was concluded by a dispatch from the Earl of Derby on April 15th, that "even if there were not in "existence an explicit understanding with the German "Government that neither country shall annex the Navi- "gators and Friendly Islands, the extent of German in- "terests in them would preclude Her Majesty's Government "from advising that measure, unless with the full concur- rence of the German Government."

This conclusion was accepted by the New Zealand Government as final, as appears by a dispatch from the Premier to the Agent General, June 5th.

On the 15th of July a memorandum from the Ministers to the Governor of New Zealand reviews the matter, stating that New Zealand had discouraged annexation and had prohibited New Zealand colonists going to the islands

(17) 81

from carrying any official prpposition or statements that annexation would be accepted.

The only further agitation of the subject during 1885, was some correspondence with Lundon, in which the question of the purchase of German interests in Samoa was mooted. And also a correspondence between Malietoa and the Premier in which the former writes, August 11th, that there is great anxiety to have good results from the negotiations between Great Britain and Germany. He still expresses the desire for annexation and refers to the rebellion as caused by Mr. Weber.

On September 28th, the Premier acknowledges the Kings letter and states that the islands were still under consideration by the Powers; that under these circumstances, any contrary action by Great Britain is out of the question; especially after the United States has ordered, forthwith, a vessel to Samoa. He refers to the suggestion made in Berlin for a partition of Samoa, the United States to have Tutuila, England, Savaii and Germany, Upolo, as one for which he knows no authority.

Referring to the resignation of the Ministry in England, he says "Every question relating to the Pacific Islands may now go into another ~~fazz~~ phase" and thinks it futile to say any more until a new Government is formed.

4. The last discussion of the subject of Samoa in New Zealand was occasioned by the action of Dr. Stuebel, December 31st 1885, in forcibly hauling down the Samoan flag.

The news was received in England by a dispatch from the British Consul and immediately communicated by

Lord Salisbury, in what is called an energetic telegram, to Berlin. Assurances were received that no annexation of Samoa would be allowed, and that the existing negotiations between Germany, England and the United States would be maintained inviolate.

88

Surprise was expressed at this news, inasmuch as the Commander of the Albatros had said nothing of any disturbance in dispatches sent by him on December 31st.

On the same day that this communication was received from England, the Governor of New Zealand telegraphed, "Two Samoan Chiefs paid visit to me to-day, urging on behalf of King and people of Samoa that Great Britain should undertake the government of their country, and stated that all trouble would then cease."

The fact that no information was received by the German Government was explained by the fact that their dispatches were sent by the regular mail which left Apia prior to the occurrence in question, while the telegram of the British Consul was forwarded by a special boat which carried the two Samoan Chiefs over to the Mail Steamer.

On January 21st the Premier telegraphed to the Agent General in London about the German flag in Apia, and the two chiefs in New Zealand awaiting decision, and the Agent replied that nothing would be done, except that neither Germany nor England would annex, now that America had intervened. At this time, the subject was being agitated in the newspapers in the United States and it was stated that a Government vessel would be

sent to Samoa. The Admiral of the squadron received orders to send a vessel and ordered one to sail in February. The Mohican did sail for Samoa March 6th.

In addition to the telegaphic correspondence just referred to the Premier wrote a long letter to the Agent General, dated January 22, reviewing the situation and indicating a strong desire for the annexation of Tonga and Samoa.

On January 27, the Agent General wrote to the Premier, stating Lord Salisbury's assurance in the House of Lords, that there was not in any hypothesis, any danger of annexation of Samoa by Germany. Some events were not only imperfectly reported, but reports were not received at Berlin at all; but Her Majesty's Government had received the most positive assurances that Germany would adhere to the existing treaties about Samoa.

On the 29th of January the Secretary of State telegraphed to the Governor of New Zealand that it was "entirely out of the power of Her Majesty's Government to "entertain proposal of chiefs" and referring to the German assurances on the subject.

It appears from the foregoing that the agitation in New Zealand for the annexation of Samoa may be referred to four distinct and separate causes, always remembering that there existed in that Colony a strong desire in this direction which needed only an exciting cause to develop it into active agitation. I refer, of course, to such agitation as received any official countenance or support, and not to the occasional and sporadic efforts of indi-

viduals in Samoa to promote this end.

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First was the agitation commenced and systematically promoted in 1883, by Mr. John Lundon. He was a man, as I was informed, of the class who make continual trouble among the South Sea natives. He sowed the seeds thoroughly which subsequently produced repeated crops under the influence of local troubles. His original scheme died out, however, and his action was finally disavowed by the Government of the Colony.

The second period of agitation was connected with the pressure brought to bear upon the Government of Samoa to execute the German treaty of November 10th. It is true that the New Zealand Government had reopened the subject by a suggestion just prior to this time, but it brought back an unfavorable reply from England and went no further.

The third period of agitation grew out of the feeling aroused by Dr. Stuebel's action in raising the German flag, January 23rd, 1885; ~~and the fourth, was the reopening of the subject in consequence of his proceedings on december 31st, 1885, when the Samoan flag was hauled down.~~

And the fourth was the reopening of the subject in consequence of his proceedings on December 31st, 1885, when the Samoan flag was hauled down.-

89

LOCAL GERMAN INFLUENCE AND ACTION. 5.c.

The action of the local German representatives since November 1st, 1884 was so intimately connected with the existing rebellion against the authority of the King, that it was impossible, even in the most cursory investigation ~~investigation~~, into the affairs of Samoa, to avoid the discussion of it as one of the most potent causes which have contributed to the present situation.

It will be recollected that Dr. Stuebel assigned as a reason for his action in raising the Imperial German flag at Mulinuu, that it was "a ~~probable~~ public manifestation" of the taking possession, as security, of all the land which now constitutes all the municipality of Apia" as far as the sovereign rights of Malietoa and his Government were concerned. This act has been characterized as an attachment by way of reprisal for wrongs done to the German Government by the existing Government of Samoa.

In view of the existance at that time of the Municipal Board through which representatives of the three powers exercised, by delegation from the Samoan Government, all the powers of government within the territory specified by Dr. Stuebel, that act was directed, not only against Malietoa and his Government, but was also an interference by the German Consul General with rights duly acquired and then exercised in part by the Governments of the United States and Great Britain.

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This fact alone would make it not only proper but necessary in any discussion of the subject under consideration, to ascertain precisely the bearing of Dr. Steubel's action upon the relations of the treaty Powers to the Government of ~~the~~ Samoa. Its repudiation by the Imperial Government as soon as reported, and within less than two months, may render it unnecessary to consider how far Dr. Steubel's impulsive action was to be treated as derrogatory to the dignity of the Governments of the United States and Great Britain, as represented in the Municipal Board; but that repudiation did not then, and has not yet, extended to the restoration of the status quo ante in Samoa to repair the injuries caused by it in that unhappy country. With respect to these effects, therefore, it is essential to consider dispassionately whether any, and if so what, contribution to the recent entanglements were due to this now repudiated action.

In view of the fact that this subject involved a consideration of the course which was deemed proper by the representative of a friendly power, and one earnestly engaged in co-operating with other Governments, including our own, in assisting to establish a stable government in Samoa, I have taken special care to bring to bear upon the action of Dr. Steubel, and the circumstances surrounding it, all the light which was available from every point of view. Inhave examined very carefully all the statements made by himself of the grounds of his ac-

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tion and the events which led up to it; and have also conversed freely and frankly on this subject with the German Commissioner and have heard all that he had to say with respect to it.

It may be remarked here that very early after my arrival in Samoa, I perceived how important was the bearing of Dr. Stuebel's action upon the ~~constitution~~ situation; and at the first meeting which we had together, both Mr. Thurston and I mentioned the matter to Mr. Travers and asked that, inasmuch as the acts of Dr. Stuebel seemed to us both to enter materially into the investigation, we might be informed fully as to the acts of the Samoan Government for which the so-called attachment of Sovereign rights in the municipality had been made as a reprisal. It was subsequent to this inquiry, and at the same interview, that Mr. Travers expressed the views respecting the methods of our investigation which led to the difference of opinion between us heretofore stated; and I afterwards learned from him that his objection, then expressed, to our considering the communications which might pass between us, as other than confidential ones, was promoted by a slightly unpleasant impression resulting from the coincident inquiry which we had made respecting Dr. Stuebel. It appeared to Mr. Travers, and perhaps not unnaturally, that, at the outset, Mr. Thurston and I were undertaking an investigation into the official acts of the German Consul General, with respect to which, although he might be willing to inform us, he would de-

92

sire to do so confidentially.

27/22 The coincidence of our inquiry on this subject was purely accidental, and, properly understood, indicated nothing, except that the matter had appeared to both of us as important.. The fact that Dr. Stuebel' s act had been so promptly and handsomely disavowed by his Government seemed to me to rob it of any official character; and, even if there were any reason why we should not all consider the bearing of the official action of any of the consuls upon the condition of the country, that particular act, with its incidents and consequenses, seemed to have been relegated by his own Government to the category of private action.

It is proper to add that this slight misunderstanding on the part of Mr. Travers was afterwards the subject of full explanations between us; and not only did it fail to disturb, in any degree, our frank and cordial relations, but I think that he understood precisely the character of my inquiry.

To recur, then, it must be recalled that the breaking out of the present rebellion in Samoa was coincident with the action of Dr. Stuebel on January 23rd, 1885; that prior to that time, the country had been for three years and a half at peace; that, so far as the natives were concerned, the authority of the Government was fully established; that Tamesese, the leader of the party now in arms against the Government, was, in his position of Vice King, acting in friendly concert with Malietoa, and taking

89
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an active part in all that was done.

Up to the period intervening between the execution of the treaty of November 10th, 1884, and the raising of the Imperial flag on January 23rd, 1885, there was not a breath of opposition to the existing Government, and no disposition shown to break the peace which had resulted from the Lackawanna negotiations.

The only objection that was heard from any quarter related to the inefficiency of the Government in punishing natives for depredations upon the property of foreigners; and particularly in giving effect to judgments rendered against such offenders by the German Consular Court.

Dr. Stuebel, in his proclamation of January 23rd, sets forth, as the grounds of his action, that, during the long period that Malietoa has been King, the Government of Germany has been treated with unkindness and injury, and all agreements that have been made between the Governments of Germany and Samoa have repeatedly been repudiated and violated. In his letter to the King, of January 23rd, 1885, he states as the cause of offense, the disregard of German Treaty rights, specifying only as occurring prior to November 10th, 1884, the failure of the Government to restore persons who had escaped from the German prison.

Dr. Stuebel also complains of the expression in Malietoa's letter of November 20th "that it is generally known "that Samoa was to be taken by force by the German Gov-"ernment"; and also, the expressions in speeches der/oga-

tory to Germany, accredited to two chiefs connected with the Government.

Even my limited stay in Samoa taught me to be very cautious in accepting reports of expressions by the natives in their own language: the translation is too apt to be colored by the inclination of the Interpreter to make mischief or to promote good feeling. Even Malietoa's letter is incorrectly quoted by Dr. Stuebel, his expression being "The report that Germany was about to seize our country was widely spread (general)"-language of very different effect from that attributed to him. But, even assuming these reports to have been true, it is to be noted that the instances of annoying expressions referred to all occurred after the period when the circumstances attending the execution of the Treaty of November 10th had produced strained relations between the King and the Consul General..

Dr. Stuebel's statement that "during the long period that Malietoa has been King, the Government of Germany has been treated with unkindness and injury" is very far from being correct. The Malietoa family were largely indebted to German influence-and especially to Mr. Weber- for their restoration to power after the final defeat of the then existing Government of the Taimua and Faipule. In fact, Mr. Weber has more than once appeared in the role of an instigator of rebellion against the existing Government, after that Government had failed to be subservient to his influence. In 1879, when Malietoa

Tal/avou was carried off in a German schooner which he had chartered, the Bismarck, with Mr. Weber-then Consul- on board, recaptured the schooner, released Malietoa Tal/avou and imposed, and collected, a fine of twenty-five hundred dollars from the opposing forces. In the same year, Mr. Weber, as Consul, was a party to a proclamation urging the members of the former Government to "have sufficient regard for the best interests of their country to discontinue a contest, the prolongation of which cannot but inflict the greatest evils upon their nation, and that they will hasten to acquiesce in the restoration of the regal authority of the Malietoa Family."

The peace of November, 1879, was negotiated by the Captain of the Bismarck and Mr. Weber, and it was through their influence mainly that the agreement was reached that Malietoa Tal/avou should be King and his nephew Vice King, with the right of succession; and thereupon, Malietoa was saluted by the German ship. To this agreement-entered into with great formality and deliberation- Captain Deinhard and Mr. Weber were two of the three witnesses.

In March of the following year, Captain Zembsch, the successor of Mr. Weber, was a party to the Consular agreement that the present King should be <u>supported</u> as the head of the Samoan Government for life, and his successor should be agreed upon by the three protecting Powers.

17 R R

96

Early in the Spring of 1881, the German Consul was present at the coronation of Malietoa and declined to recognize an opposition attempt to crown Tamesese King of Atua and Aana. In 1883, when the natives attempted to re-open the discussion of the King question, the advice of the Consuls was asked, and the German Consul General first expressed his opinion, in which the other Consuls concurred, that no less than seven years should pass without change in order to give rest to the country; and a short time afterwards, when an attempt was made to induce Malietoa to agree absolutely to resign in seven years in favor of a mamber of the Tupua family, the Consuls supported him, and the German Acting Consul General announced his instructions to support Malietoa, is necessary, by force. Thus, the record shows clearly that, not only was Dr. Stoubel mistaken in the statements referred to, but that German support, both official and private, was accorded to Malietoa until the occurrences of 1884, out of which grew the differences now under consideration.

A copy of
A The proclamation of Dr. Stoubel, and his letter to the King, as well as Malietoa's letter of November 20, '84, although already on the files of the Department, are, for more convenient reference, herewith enclosed, marked Inclosures, E. 1, 2, 3.

Laying aside, for the moment, the matter of the inefficiency of the Government; the only complaint formulated against the Government prior to November- I am convinced that

93

the means by which the assent to the treaty of November was obtained by Dr. Stuebel was subject to reasonable criticism, in view of the relative strength and position of the two Governments: for the character of the relations between the King and the Consul General subsequent to that time, if the former is blameworthy, no less so is the latter.

Some letters bearing on this subject are herewith enclosed marked Inclosures E.9,10,11,12.

I have no doubt that the conduct of the Samoan Government was very aggravating to the German Consul General; but it was conduct which resulted, rather from the inherent characteristics of the people than from any ill nature toward him. Much less was there involved any disrespect or hostility toward the German Government.

If, through his strong desire to promote the interests and secure the rights of his Government and its subjects, Dr. Stuebel failed in the exercise of that tact which is necessary in all diplomatic intercourse with such people, I feel sure, from the impressions I have received of his personal character from Mr. Travers and our Acting Consul, Mr. Hamilton, that, on reflection, he would desire to repair any injury done by it, and that his Government would certainly be disposed to take it into account.

To return to the transactions leading up to the Treaty of November 10th, it appears that, early in 1884, the German Consul directed his efforts to securing a more thorough system of dealing with natives charged with committing depredations on German plantations. The punishments and fines inflicted by the Consular Courts whose ~~affairs~~ powers were defined by existing treaties were not satisfactory.: certain prisoners had escaped, and fines had not been paid up, owing, mainly to the natural inefficiency of the native Government. It was with this view that the German Consul General addressed a letter to the King recounting in full the grievances of which he complained. A translation of this letter is herewith enclosed marked Inclosure E/4.

Having observed that this letter seemed to be a full statement by Dr. Steubel of the grievances complained of, and that it corresponded quite fully with the verbal communications on this subject by Mr. Travers, and having access only to a Samoan copy of it, I requested from him an accurate English translation, which he kindly furnished me, and which is the one enclosed.

Finding that the Samoan Government were not disposed to make the consessions demanded, the policy of the Consul General became aggressive; and he seems only to have awaited the arrival of the German vessels of war- two of which arrived during the same month- to carry his policy into effect. Meanwhile, the native Government, actuated, ~~no doubt~~ probably, more by fears occasioned by the threats of the German Vice Consul and the appearance of the

ships of war than by a spirit of duty, humbled themselves before the Consul General, promising to do all in their power to render the most complete satisfaction.

The opportunity being propitious for securing more than a mere apology, the Consul General insisted that no reconciliation was possible except upon the execution of a treaty which he proposed. A copy of this treaty was, for purposes of examination, asked for and denied. The only opportunity which the Samoans had for understanding its provisions was, when it was read to them by ~~the~~ a native interpreter, then and now in the employ of the German Consulate, who carried it away after reading it..

It is apparent that the real object of this treaty was to secure to German settlers extraordinary concessions and discriminations, to the exclusion of persons of other nationalities. Its provisions were such as, in view of the relations existing, upon this subject, between the three Treaty Powers, would not be submitted to by Great Britain and the United States, and which, under a proper understanding of them, it was not proper for the Samoan Government to agree to.

At the time of the execution of the Treaty, the King evidently meditated an escape from the consequences of his own act; for, in order to render void the proposed treaty, he immediately appealed to the Representatives of the United States and Great Britain in Samoa for protection, and made formal application for annexation to Great

Britain in the two applications elsewhere referred to, one signed during the pressure upon him to agree to the treaty, and one after it had been executed. The Consul General endeavored to have Malietoa recall his application to the Queen, but the King remained firm; and very soon, the extreme policy upon which Dr. Steubel resolved, and which has since been disapproved by his own Government, was put into practice, and the Imperial flag was hoisted at Mulinuu by the aid of an armed force from a German man-of-war in the harbor, and by a large party of armed natives in the service of Mr. Weber, in the presence of the German Consul-General in uniform.

With respect to the transactions of the Samoan Government which resulted in the forcing of this treaty upon it, I have no doubt as to the substantial accuracy of Dr. Steubel's statements of them contained in his letter already referred to. What he complains of, it will probably be apparent from the views herein expressed upon the subject of the capacity of the Samoans for efficient government, appears to me to be quite characteristic. The only question is, whether the course upon which Dr. Steubel entered, and the methods employed by him were wise and prudent, having due regard to the character of the people with whom he had to deal. If the results of his action had been merely the raising of the Imperial flag, which was afterwards removed, the character of his acts would be immaterial to the present inquiry, inasmuch as the most serious of them has been disavowed by his Government. In spite of that fact, it remains true that, imme-

diately after the raising of the Imperial flag, a partial disruption of the ~~Samoan~~ existing Samoan Government occurred; that the Vice King, theretofore acting in harmony and co-operation with the Government, departed from Mulinuu, after stating just before doing so that he was going to leave; that the Germans were now going to support him, and that he was going to set up a Government at Lulumoega. With this man, who thus became the head of a rebellion, the relations of Dr. Steubel, so long as he remained in Samoa, were close and intimate; so much so, that in last June, during the efforts to promote peace among the natives, he conducted negotiations between the Consuls and Tamesese; and although his Government recognized, and still recognizes officially, the Government of Malietoa, he was the agent through whom all communications with those in rebellion were made, and at whose instance they disbanded their armed forces.

In addition to this, Mr. Weber, the head of the large German Company in which are centered the principal German interests of the islands, at the time of the outbreak was openly active ~~in Samoa~~ in promoting schemes for bringing about a revolution, and from that time to the present, was, almost without attempt at concealment, largely engaged in the supplying of arms to the insergents.

Mr. Weber is, of course, a private citizen, although formerly, he was Consul for Germany; but his relations with Dr. Steubel, and with the official representatives of Germany in the Islands are of so intimate a character

18RR 102

that his active support and ~~engagement~~ encouragement of the insurrections among the natives carry to ~~other~~ their minds an impression of official significance. The rebellion which, it can hardly be doubted, had its origin in the unauthorized action of Dr. Stuebel and the encouragement given to it by him and by Mr. Weber, would have gained little headway if the action of Dr. Stuebel had been reversed immediately upon its disapproval by his Government. On the contraty, although, as appears by Lord Granville's dispatch elsewhere cited, the Government of His Imperial Majesty had disavowed the action early in the month of February 1885, the Imperial flag, instead of being removed, continued to be raised by Dr. Stuebel and the occurrences of December 31st 1885, which were precisely in the line of the Consul General's unauthorized action of eleven months before, occurred ten months after its disavowal.

43
45

The unfortunate results of Dr. Stuebel's action were not confined to his own course, supplemented by that of Mr. Weber. In April 1886, the German squadron under the command of Admiral Knorr arrived, and the conduct of that officer was such as very seriously to complicate the situation and to promote the rebellion and civil discord already existing. This action must necessarily have been due to Dr. Stuebel's influence, and to what would have been a natural assumption on the part of the Admiral, that he was to act in co-operation with the Consul General. It cannot be presumed that his

99

action was such as would have met the approval of his Government, in view of the fact that it was simply in the line of the action of Dr. Steubel, the beginning of which had been so promptly disapproved.

On the arrival of the squadron, Malietoa, mistaking the object of the Admiral's visit, and assuming that he was there to investigate the condition of affairs, addressed him a letter which presents very fully, his side of the controversy with Dr. Steubel about the prisoners, and which, as Dr. Steubel's letter has been enclosed, is also herewith enclosed marked Inclosure E. 5.

About this time the Admiral, not having, before or afterwards during his stay, paid to King Malietoa a visit, as was customary, went with his ships, accompanied by the German Consul General, the Vice Consul Mr. Weber and others to the headquarters of Tamesese and the Insurgents. A brass band from the ships was paraded on shore and an enthusiastic reception had and encouraging speeches were made by the Admiral, the Consul General and others, a proceeding of which no one acquainted with the character of the natives will fail to perceive the significance.

In view of these proceedings, and a failure of the Admiral to answer his letter, the King caused to be addressed to him another letter, dated May 10th, in which he expressed regret at the discourtesy of a ~~xxxxx~~ failure to reply to his former letter, and protested against the visit to "the rebel leaders". ~~A curt reply to the first~~

A curt reply from the Admiral to the first letter was dated May 9th and addressed to the "Head Chief Malietoa." A reply to the second letter was received through the Flag Lieutenant. The Admiral stated that he had no authority to investigate the action of the Consul General, and adds, as a reason for non-intercourse "And also, it is not possible for me to treat with a party government, which in a rough and unthankful manner opposes the treaty not only, but also offers the rightful German influence most objectionable opposition.".

The Admiral's statement is more blunt than that of Dr. Stuebel but possible not less accurate.

The letter of the Flag Lieutenant in the name of the Admiral declares as inadmissible that the person of the Imperial German Representative has been attacked by insulting expressions, and threatens, in the event of its repetition, immediate redress. He also states that Malietoa's letter contains little else than positive untruths and expresses some irritation at Malietoa's imputation of a want of courtesy in the delay of the Admiral in answering his letter. Copies of the foregoing correspondence are herewith enclosed marked Inclosures E. 6, 7 & 8.

It is to be regretted that the Admiral, who had naturally received his impressions of the political matters from the representative of his nation, had become strongly influenced by Dr. Stuebel's personal feelings, which it is

evident, had largely grown out of circumstances of transactions which did not receive the sanction of his Government and were so clearly inconsistent with its official utterances, both to the Governments of Great Britain and the United States, with respect to Samoan affairs; so that what was done by the Admiral during his visit simply added another circumstance to the unfortunate train of consequences of Dr. Stuebel's unauthorized action which not only intensified but perpetuated the evil effects which originally resulted from it.

85

In the light of all these circumstances, it cannot be questioned that the ~~continuous strength~~ continuance of the existing rebellion in Samoa is largely due to the unauthorized action of German local officials and resident subjects not consistent with the declared policy of their Government, as embodied in its diplomatic communications. The status quo ante, therefore, was not restored by the final hauling down of the German flag, and could only be restored by the subjugation of the insurgent forces, the abandonment of their attitude of rebellion and the restoration of the native Government to its condition of December 1885.

In this connection, it should in fairness be stated that, while it is true that the main moral support of the rebellion has been drawn from the sources stated, another factor has contributed to its present existence.. That it was not long since ended is due, not only to the disaffection of its native supporters, but also, to the

failure of the Samoan Government to suppress it. That the latter has not been done is due to the interference of the three powers quite as much as the promotion and continuance of the native revolt were due to the moral influences before stated. Of the ability of the Government to put down the rebellion by force of arms, I have, after careful investigation, no doubt whatever.

From this view, it follows that the present condition of feeling towards the Government of Samoa on the part of His Imperial Majesty's Government, is due, not to transactions with His Majesty's Government, or with officials acting under the authority of, or consistently with, the policy of His Government.

The objections of Malietoa to Dr. Steubel personally and his request for his removal, certainly cannot be treated as a cause of offense to his Government; because, if Malietoa is to be treated as in any respect a sovereign, his feelings must be admitted to be natural, and he surely had the right to make the request.

The change in Consular offices, both of Germany and of the United States, and, in fact, the arrangement for this special investigation, were necessarily based upon the assumption that the administration of the Consular functions in both offices had not been in accord with the views of those who administered the respective Governments.

I am convinced that, neither on the part of the King nor any of the officials connected with his Government in Samoa, is there any feeling other than respect

both for His Majesty the Emperor and for the Government of Germany; and I venture to suggest whether, inasmuch as the present relations between Germany and the existing Government in Samoa are, to some extent, a stumbling block in the way of what seems to me a proper adjustment of the Government, it may not be a proper occasion for the Government of the United States to act upon the Fifth Article of ~~this~~ its treaty with Samoa, and to "employ its good offices for the purpose of adjusting, upon a satisfactory and solid foundation," the differences which unhappily have arisen between the Samoan Government and the Government of Germany.

INTERRUPTION OF CONSULAR UNITY. 12.

The Government of Samoa, for some time past having been substantially a government by the Foreign Consuls, the interruption of the unity of action of these officers has undoubtedly contributed to the present chaotic situation. Indeed in my conversations with Mr. Travers, this was referred to by him as one of the prime causes which had brought about the present demoralization.

Any inquiry as to the responsibility for the continuance of this unity of action I consider that, under existing circumstances, it would be futile to undertake.

The serious rupture in the Consular relations would probably be found to be closely connected with the proceedings of the German Consul General in the latter part of 1884 and 1885, and to have grown out of circumstances to which, as they have been very properly disapproved by the German Government, it is hardly worth while to make further reference. The practical point with respect to this matter is, the impossibility of securing such coincidence of views and unity of action among the Consuls as to make it desirable to experiment further with the Government of the country through their intervention.

I have sufficiently indicated elsewhere in this report my opinion that the country cannot be satisfactorily controlled through the Consular offices, and I need add to that here only the emphatic expression of my opinion that, whatever scheme of Government may be decided

109

upon for the future ~~and~~ a necessary condition of the success of that Government will be the exclusion of the Consuls, as far as possible, from any interference in the local concerns of the country, and their restriction to the duties naturally incident to the Consular Offices.

106

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19 RR 110

LAND TITLES. U.C.

One of the most aggravating features of the present situation which must undoubtedly be considered in connection with any plan for the future government of the country, is the necessity of an authoritative and final adjudication of the claims of foreigners to the ownership of lands in that country.

The methods of the acquisition of title to lands have without doubt been very loose; and it is impossible that the acreage claimed by foreigners has all been honestly or fairly acquired..

There are, in the first place, conflicting claims of people of different nationalities to be adjudicated, and there is also resting upon the three powers which have intervened in the affairs of this country, a strong moral duty to provide for the careful examination and definite establishment of title to lands acquired by foreigners as between them and the natives of the country.

From data furnished me from the German Consul, through Mr. Travers, it appears that the total number of acres claimed to be the property of German subjects, is over one hundred and thirty-five thousand, of which about eight thousand acres are under cultivation. A map of the Island of Upolu, on which the principal lands claimed by German subjects are situated, giving in detail the statements of the German Consul as to the ownership of

107

land by foreigners is herewith enclosed, marked Inclosure F.1.

On the other hand, the information furnished me of lands claimed by British subjects places the number of acres at over two hundred and fifty thousand, mostly on Savaii, and includes some of the land which, by the German map, is put down as belonging to German subjects. This immense claim is made by a single English firm- Wm. McArthur & Co., which has recorded in the British Consulate deeds for over two hundred and thirty thousand acres. The title of that firm to the lands which they claim is in dispute, having been collaterally involved in a suit sometime since pending before the British Deputy High Commissioner in Samoa, and afterwards, in the Supreme Court of Fiji.

Since my departure from Samoa, I saw a newspaper statement that the case referred to had been decided adversely to McArthur & Co., and that it would be appealed to the Privy Council in England. From the best information I can obtain, I believe that the tribunal which undertook to decide this question has no jurisdiction under the well settled principles of the Common law of England and the United States to adjudicate title to lands in Samoa, and that the claims of McArthur & Co. must necessarily be determined by some proper land court to be hereafter established in that country.

A map showing English Land Claims is herewith enclosed, Marked Inclosure F.5.

Again, a company, originally of American citizens, but which is now stated to have been bought out by British subjects, claims to be the owner, or at least to have certain rights of contract in Samoan lands to the extent of over two hundred and fifty thousand——— acres, a large number of title papers connected with which are now filed of record in the British Consulate at Apia.

Of course, it was impossible for me to form any reliable opinion as to the validity of these respective claims, but the existence of claims to so large a proportion of land in this group of islands is sufficient of itself to indicate the necessity of some well organized International Land Court which shall finally determine and settle all titles to land claimed by foreigners and between foreigners and natives.

Without a thorough investigation of these matters, enough has come to my knowledge respecting the general character of the dealings of white men with the natives in respect to land titles to convince me that even a moderate degree of justice to the latter requires an investigation into the circumstances under which they have parted with their lands. For such persons as have acquired lands fairly and honestly, according to the custom of the country, such investigation would have no terror, but ought rather to be welcomed, while in many cases, the result would be to dispose of a mass of land claims which interfere with the prosperity of the country and breed only distrust and uncertainty.

Two documents which came into my hands by accident,

serve to illustrate the character of papers which, in some instances, the most intelligent natives have been induced to sign by over confidence in the parties who were dealing with them. The first purports to be a deed for lands, the original of which I examined, and which was actually signed by the Chief Asi, every part of the paper material to give it effect being left blank. This was a paper actually filed among the land title papers of the German Company at Apia. Comment upon such papers is unnecessary. A copy of it, together with an affidavit setting forth the facts which show the use attempted to be made of it is herewith enclosed, marked Inclosure F. 2.

The other paper, which is herewith enclosed marked Inclosure F. 3 purports to be a confirmation by the King, of the titles to vast numbers of acres of Samoan land, claimed by the so-called American Company before referred to. It is such a paper as never should have been executed, and I have no doubt that it was signed by the King upon the representations of interested parties, relied upon by him, without any investigation as to the facts certified to, and its value is mainly, as it is here used, for the purpose of an illustration.

I have reason to believe that the German and English Commissioners concur with me in respect to this subject, and that it would be quite practicable to create a land court whose decisions would be entitled to respect, and to which the three Governments would be entirely safe in committing the exclusive jurisdiction of this subject.

Both Great Britain and Germany are committed to the

principle of this method of dealing with such claims.

In the "declaration concerning the reciprocal freedom of trade and commerce in the German and English possessions and protectorates in the West Pacific," executed by Count Bismarck and Sir E.B.Malet on April 10th, 1886, Article IV provides that the rights of all disputed claims to land prior to the proclamation of the Sovereignty, or of the protectorates by either of the two Governments should be examined and decided by a mixed commission to be appointed for this purpose by both Governments.

The requisites of such a court would be,

1. That it be composed of persons of such character and capacity as to inspire the confidence both of foreigners and natives.

2. That in the creation of the Court, certain rules of decision should be settled, as, for example, the rule of adverse posession which is to be applied, prescribing how long a period of actual occupancy or cultivation of lands shall be sufficient to establish a presumption of title.

Another example of such rules of decision would be a provision that options obtained from the natives to purchase their lands, not acted upon, after a certain fixed period, shall fail absolutely.

I have reason to believe that in a large number of cases, the only basis for large land claims set up against the natives is such an option, acquired for a very trifling consideration, to be used simply as a subject of speculation.

On my homeward journey I had the good fortune to make the acquaintance of one of the justices of the New Zealand Supreme Court, who has been a resident of that Colony since 1852; and in response to some inquiries ~~wh~~ which I made of him as to the method of dealing with native land titles in New Zealand, I obtained some information on that subject, which, as it may be of service in this connection, I have embodied in a memorandum which is herewith enclosed, marked Inclosure, F.4.

20 RR

116

SALE OF ARMS TO NATIVES. U.C.

Closely allied to the subject of land claims is that of the sale of arms and ammunition by white residents to the natives.

The only laws of Samoa well authenticated and recognized as in force, are the acts of October 25th, 1880. The first of these forbids the importation into Samoa, and the sale or supply of fire arms or munitions of war, except "for or to the Samoan Government, on a written order by said Government, and designating the quantity."

The only physical strength possessed by the present insurrection against the Government is the result of the sale of arms in contravention of this law. While this illegal traffic is carried on by Europeans, generally, to some extent-British subjects usually excepted because of their liability to the law of their own country forbidding it- it is undoubted that the sale of arms to the insurgents is conducted principally by the German Company of which Mr. Weber is the head.

Correspondence in July last between the King and the German Consul General, contains a complaint by the former on this subject. The reply admits the "selling of arms by the German merchants," and excuses it. The existence of the law is also admitted and its violation is excused by the assertion that "up to the present time, not one investigation has been held for the breach of this regulation." This Dr. Steubel ascribes to the weakness of

113

the Samoan Government.

Copies of this correspondence are herewith enclosed marked Inclosures ~~F.~~ G/1.2

Dr. Steubel is here mistaken as to facts which ought to have been known to him.

In April, 1882 complaint was made to the then acting American Consul, Mr. Alvord, by Mr. Goddefroy, then head of the German firm or company, through the Acting Imperial German Consul, that an American citizen was selling arms in violation of this identical law. Mr. Alvord promptly brought the accused American before him, and the offense being admitted, although excused on the ground of ignorance of the law, a fine of fifty dollars and costs were imposed and both the Acting German Consul and the King were promptly notified of the result of the hearing.

Copies of the correspondence relating to this matter are herewith enclosed, marked Inclosures G. 3. 4. 5. 6. 7. 8.

During my stay at Apia the existence of this law was acknowledged by Mr. Weber, who has been largely engaged in this traffic. I know of one case in which, on being applied to for arms by natives, Mr. Weber told them, in substance, that the German Commissioner had stopped him, and that they could not get the guns without a permit from Malietoa. This was a case in which the natives claimed that Mr. Weber had promised the guns for a division of the forces with Tamasese.

As I have frequently talked of this subject with the German and British Commissioners, and we agreed as to the enormity of the traffic, I ~~hope~~ have no doubt that Mr. Travers ~~may~~

~~have~~ exerted his influence, as I did whenever I could do so properly, to discourage violation of the law. Nevertheless, it was apparent to me, upon the clearest evidence, that the sale of arms to the forces at Lulumoega and those sympathising with them, was carried on extensively while we were there. I knew of the landing of cases of rifles, of their purchase in Australia and of their sale, without effort at concealment. That an affidavit on this subject had been made before the British Consul by a British subject came to my knowledge accidently. Having inquired of the Consul and finding the report correct, I asked for a copy; and being kindly permitted to take one, it is enclosed herewith, marked Inclosure G.9.

It is of the utmost importance that this subject be promptly and effectively dealt with by the Governments of the United States and Germany. The British law forbids all sale of arms to Polynesian natives, without regard to the consent of any Government.

If the German Consular authorities had chosen to apply to ~~apply to~~ their own country the law which they invoked against an American citizen, the present sale would have been stopped without any action by the Samoan Government and without reference to its weakness. The latter was no excuse for the failure of Dr. Steubel to act when called on by the King in July, since it cannot be doubted that, however strong the Samoan Government might have been, Dr. Steubel would not have permitted it to take any proceedings against German subjects, but would have claimed that they were amenable only to the jurisdiction

of the Consular Courts. His failure to exercise this power was of very much the same nature as the derelictions of the Samoan Government of which he complained in 1884.

Apart from the direct effect of the illegal traffic in arms, in promoting civil war among the natives, it has two other indirect results hardly less to be deprecated.

The natives who buy these arms have usually no money to pay for them, and resort to the sale or mortgage of their lands on terms most disadvantageous. Very much of the land claimed by foreigners has been purchased on ruinous terms in exchange for firearms. Besides, the well-known disposition of the natives, when war is anticipated, to dispose of their lands for such consideration, and on such terms as they can get has a tendency to tempt unscrupulous white men to stir up civil strife for the purpose of creating an opportunity to buy the land at a low price.

Again, the persistent disregard of the law by white men, and the failure of Consuls to prosecute offenders amenable to their jurisdiction, tends to confirm the natural want of respect for law on the part of the natives, and makes it difficult to cultivate a law abiding spirit in them.

120

FINANCE. A.U.

The financial difficulties growing out of the want of an available circulating medium is one of the points necessary to be considered in connection with Samoa.

The money in use when I reached Apia was Chilian, Peruvian and Bolivian silver, all of which were current. United States or English gold would command a premium of from twelve and a half to fifteen per cent. and exchange on England, Germany or the United States, a larger percentage.

During my stay a number of the merchants, having unloaded their supply of Bolivian money, refused to take it at more than one-half of its face value. The movement was so far successful as to deprive this money of its value as money, and practically to abolish its use, leaving the Chilian and Peruvian money still available.

This South American money was originally introduced into Samoa by the German firm, since a Company. That Company, being until recently the only exporter of copra, the only commodity sent from the Islands and available as a basis of exchange, was the principal party relied on for bills of exchange required by the merchants to pay for their goods. For these bills, about ~~fifteen~~ 15 per cent. premium was charged, and by the Company, the money so received was again put into circulation by payment to the natives for copra. By a natural process, it drifted around again to the merchants and was again and again

A. 117

21 RR 121

brought back to the Company for bills at ~~fifteen~~ 15 per cent. As the money had originally cost the Company an average of thirty-five per cent. less than par, it is readily understood that, after it had gone through the process of being brought back a few times at fifteen per cent., the original cost was entirely recouped.

All this was legitimate business, but it will be apparent that it makes a heavy tax upon the merchants who have to pay these successive percentages.

Another bad effect of the system is, that it places the merchants who are not exporters in an unhappy condition of bondage to the few houses who do export and have bills to sell. It is quite easy for an exporter having certain views of native affairs to refuse bills to those merchants who do not agree with him and afford the accommodation to those who do. The law of necessity makes this sort of coertion often very effective, and it is one of the influences to be weighed in estimating the value of opinions.

There are merchants who have in hand from seven thousand to ten thousand dollars of this depreciated silver, and their necessity for a medium exchange for the outside world is very pressing.

The financial situation is one of the most important matters to be considered in connection with future schemes of Government; and it affords a good example of the futility of trying to get on in any country with a circulating medium which will not pass current in the markets of the world.

118
B

122

STATISTICS OF BUSINESS. 4c

With respect to the relative interests of citizens and subjects of foreign powers, it is quite impracticable to furnish any reliable statistics. Upon this subject, both Mr. Thurston and Mr. Travers exhibited much more concern as to details than I consider necessary for the purposes of our investigation. This was a natural result of the competition between German and British interests in the South Sea. To me, it was sufficient to be assured that there were American citizens and substantial American property interests in these Islands, which, upon the enlightened principles underlying modern government, were justly entitled to recognition and protection.

I understand it to be consistent with the policy of our Government in administering protection to the persons and property of its citizens, not to calculate closely the number of the former and the exact money value of the latter.

In foreign lands, as in our own country, one American citizen who conforms himself to the laws of the place of his residence, is entitled to have asserted in his behalf, if necessary, all the power of his own Government- whether it be to protect his life, his liberty or his property rights, be they large or small. At the same time, it is proper that you should be informed that citizens of the United States have acquired in Samoa substantial property interests; that a very large proportion of im-

119 a

ports into that country consist of American goods, and that, with respect to exports, while they have, until a recent period, been principally by the German Company, a very large proportion of the copra which is claimed by the Germans as having been exported by them from Samoa is, in fact, brought to Apia from other islands, that being the point at which this export is collected and shipped to Europe.

The absence of any public record of exports and imports renders it impossible to furnish any statistics which would be of real value. The only source of information on the subject is found in the voluntary statements of the merchants and business men, which ~~form the~~ not being systematically or officially collected, are somewhat unsatisfactory as the basis of any action.

II was furnished by Mr. Travers with statements of the business done by the German firms, including the German Company and one other company. They claim to have imported goods to the value of $281,612.85 for the year 1885. For the same period, the imports of American merchants are reported to have amounted to $146,000., and those of the English merchants, to $115,000. These figures do not, however, include all of the goods imported by persons of either nationality. Doubtless the statements of the German imports are more nearly accurate- so far as the voluntary statements of the parties are reliable- than either of the others, the German interests being concentrated so largely in one concern.

I applied to the British Consul for precise informa-

tion on this point, but was unable to obtain it, although I knew that he was making efforts to ascertain it definitely; and with respect to the American interests, I found no records in the Consulate which would be of service on this point, and the statement made merely includes such information as I could obtain from individuals.

LABOR TRAFFIC.

The question of labor is one which must immediately engage the attention of any intelligent government in Samoa. The natives of the country cannot be depended upon for the labor necessary for the cultivation of the plantations, through which alone the natural resources of the country can be developed: dependence must, therefore, be placed upon the importation of laborers, who have heretofore been obtained from other Pacific islands, such as the ~~Xxxxxxxx~~ New Hebrides and Solomon groups. Large numbers of these laborers, who are usually black, have been imported under labor contracts extending for three years, and which are subsequently renewed.

The attention of the British Government has been directed to this subject, and its investigations have revealed the fact that the conditions under which these laborers are transported and controled differ very slightly from actual slavery. The labor used on the German plantations in Samoa is of this character.

It will be readily understood that the importation

of these people under contracts made with them, opens a vast field for tyranny and oppression. From my own observation of the condition of these laborers, I am quite satisfied that it differs only nominally from the condition of negro slavery in the United States while it existed, with this disadvantage; that the laborers in Samoa are controled by overseers representing a corporation, with little opportunity for mitigation of the harshness naturally incident to their position. The laborers therefore, do not have even the advantage which the negro slaves had in the United States, of the presence and the immediate care of their masters, who had a very large personal interest in promoting, to some extent at least, their welfare.

1c/ MALIETOA'S POSITION. 126

The first point of difficulty respecting future arrangements, and one which I have considered with no little anxiety, and care, is the real position of the present King of Samoa, his relation to the natives of the country and to foreign treaty powers.

Prior to 1869 there had been no attempt to treat Samoa as a consolidated Kingdom under one King. It is, however true that, prior to that time the head of the Malietoa family, then Malietoa Tavita, was in fact King of all Samoa. This occurred precisely in the same manner that James I. of England became the Monarch of the whole of Great Britain.

Of the districts into which Samoa was divided ~~were eight in number,~~ those on the Island of Upolo were the controling ones- Tuamasaga, Aana and Atua. The Malietoa in question becoming the recognized head of each of these districts, was also recognized as the King of the whole country. It is contended, by those who oppose the claims of Malietoa, that this did not make him, in any sense, a King of all Samoa, but that after his death, the country returned to the previous condition of having a head of each district separately. On the other hand, the adherents of Malietoa claim that his family has always been the governing one, and that the other great rival family of Tupua is a junior branch of the same. To settle satisfactorily a question of this sort upon evidence all traditionary, is practically impossible; and I have not considered it of very great importance, as the question

22 RR 127

how far Malietoa should now be recognized rests, in my judgment, on other grounds. Before passing to the native tradition on the subject, however, it is proper to note the recognition in the Steinberger constitution, of two great families of Malietoa and Tupua, a similar recognition in the election, under a constitution prepared with much care by the Foreign Consuls prior to Steinberger's visit, of two kings, one from each family, and the provision of the Lackawanna peace, of a King from one family and a Vice King from the other.

All this, conclusively shows the existence throughout of a division of the people into two great parties which has always needed only some exciting cause to develope it into an active antagonism, if not actual hostility.

After patient consideration of the whole subject, and having heard and duly weighed every phase of native and foreign opinion, I am constrained to the conclusion that Malietoa, the present King, is entitled to be recognized as the Sovereign of the Country, and that his moral right to be treated as such by the Treaty Powers in any future arrangement for the government of the Group is clear and indisputable, and that there are no circumstances which warrant his forcible deposition. This conclusion does not necessarily involve the continuance of the office of King of the Group if that be deemed inadvisable This question I shall consider hereafter. But it seems to me clear that, if the conclusion be reached to dispense

with a king, then the moral right of Malietoa should be recognized in some way, as, for example, by obtaining his voluntary retirement on a moderate pension, under an ~~agreement~~ arrangement similar to that under which Thackenbaugh, King of Fiji, yielded his sovereignty of the Kingdom of Fiji.

The reasons for my conclusion that Malietoa is entitled to such recognition are based entirely upon the clear and explicit manner in which his title has been frequently acknowledged and confirmed by native and foreign action in the last ten years.

In the native war of 1869-72, the question at issue was not between a Malietoa and a member of any other family, but between the two Malietoas-uncle and nephew- and in the strife, the native population was generally engagad, taking sides with either one or the other.

I mention this only incidentally, as the result of this war was not to establish any one as king, but a Government of the Taimua. At the time of Steinberger's visit in 1873, while he refers to the family and tribal jealousies, he seems to have found Malietoa Laupepa recognized as the greatest chief.

Before the return of Steinberger, a form of Government had been prepared by the Consuls and native chiefs, in which two kings were provided for, but on his second visit he told them that there could be but one King, and they selected Malietoa, who was generally recognized until illegally deposed.

~~and~~ After the war of 1876-9, Malietoa Talavou was crowned, and the old Government dispersed. Almost immediately the war

broke out afresh, but continued only a short time, until the "Bismarck" peace of December 1879 put an end to it; and the natives of the opposition having agreed to end the war, entered into a solemn treaty of peace, recognizing Malietoa Talavou as King for life, with Malietoa Laupepa as Regent, to "attend to the work of the King."

Having in a few months violated their agreement, civil war again ensued, but was terminated by the Lackawanna" peace of July 1881, in which it was, after long continued deliberation, again agreed by treaty that Malietoa Laupepa should be King, and Tupua Tamasese Vice King, the term of office being left for the determination of determin the Government. This ~~declaration~~ was solemnly made by the Taimua and Faipule, who agreed in February 1883 that the settlement would not be disturbed by any discussion of the King question for seven years.

Even in the "Mohican" peace, 1886, the Government of Malietoa is recognized, and the representatives of "Tamasese and his party" again pledged themselves to live in peace and friendship- a pledge broken, as usual, without delay.

Such being the repeated native recognition of Malietoa's position, what has been the action of foreign powers? The treaties of the United States and Germany were concluded with the then existing Government, ~~and the latter~~, through plenipotentiaries, before the crowning or recognition of Malietoa Talavou.

In August, 1879, Sir A. Gordon desiring to negotiate a

treaty, was advised by all the consuls to treat only with Malietoa, and accordingly did so, while, at the same time, representatives of all those Governments united in negotiating with Malietoa the Municipal convention.

In the "Bismarck" peace of December 1879 the Consular agreement of March 1880, the refusal to countenance the crowning of Tamasese as King of Atua in April 1881, the "Lackawanna" peace of July 1881, the "Mohican" treaty of 1886, and in the consular relations up to the present time, the three powers have recognized Malietoa as the King, and his Government as the only Government of Samoa. This was emphasized as late as last May by the issue of a joint consular proclamation denying any recognition of Tamasese by these Governments. Copies of this proclamation, and also of the Mohican agreement, are herewith enclosed marked Inclosures H. 1. 2.

the other papers mentioned having been heretofore referred to as Inclosures. B. 5. 6. 7. 8.

In the face of this record, I am unable to rest upon any other opinion than that the recognition of Malietoa is a necessity of the situation. The present condition of native opinion I made the subject of careful investigation and reached the conclusion that, in the present division of sentiment between the old factions headed respectively by the families of Malietoa and Tupua, the former bear the relation to the latter of about three to two, with about one-seventh of the population neutral and satisfied to support the winning side in such a civil strife.

Public opinion in Samoa is regulated by the chiefs in each locality, and of these a larger proportion are the supporters of Malietoa. During my stay there, I saw evidence of disintegration in the forces of the opposition which was restrained only by the outside influence to which I have referred.

I cannot feel any doubt that, if a King is to be supported, Malietoa is the only one who could fill that position. Among his supporters there is absolute unanimity on this point, while in the opposition, Tamasese, the present leader, is neither a chief of the highest grade, nor a man with the qualities of ~~the~~ a leader of men, but being at present the chosen head of the Tupua family, must be dealt with as such and treated as its representative. In that party, there are factions adhering to the fortunes of other chiefs, one of whom, Mataafa, is a chief of much higher rank than Tamasese. If the followers of the latter were recognized in any substantial way, it is hardly doubtful that divisions would at once arise among them as to future leadership.

One consideration in favor of the support of Malietoa as the head of the Government as a prerequisite of future arrangements, is that no better opportunity can occur for teaching the natives a lesson of fidelity to their solemn engagements. If Malietoa is supported by the powers, and permitted to suppress the rebellion, or if the Powers order the dispersion of the forces of the latter, such action can be justified upon the solid

23 RR 132

ground of compelling these people to adhere to their treaties so often made and to the definite understanding of 1883, that the arrangement made in 1881 should not be disturbed, even by discussion, for seven years..

This course would be simply to hold the natives to their own agreement. It, need not exclude the future consideration of a change of rulers under such stable government to be established as will guarantee a fair expression of the popular will.

Any other course would be practically to give the natives opportunity for a new illustration of fickleness and inconstancy, and would operate, so far as the Treaty Powers are concerned, to stullify the record of their past action..

The only difficulty in the recognition of Malietoa's sovereignty to the extent suggested, grows out of the attitude of the German Government with respect to him. So far as the local authorities of that Government there are concerned, I perceived, during my stay, a condition of almost practical non-intercourse with the King, which extended so far that Mr. Travers declined, not only to call on him, but, on one occasion when he came to my rooms, at a time when Malietoa was there, having some conversation with Mr. Thurston and myself, declined my invitation to come in and hear with us what the King had to say. Mr. Travers did not call on the King at all, although he had recognized his position by sending him the written communications, before referred to, of his assump-

129

tion and subsequent laying aside of the functions of Acting Consul General.

In an early consultation, before Mr. Thurston's arrival, Mr. Travers and I agreed that there was no occasion for any official communication to the King respecting our visit. I made none, but on reflection, deemed it proper and courteous to make an informal call on the King, and I stated to him that I had come to Samoa, not in any official relation to His Government, but as the confidential agent of my own Government to make an inquiry into the political condition of the country.

On Mr. Thurston's arrival, he also called on the King, and the latter having advised us of his desire to return our calls, Mr. Thurston came to my rooms on shore, where we received the call together without any formality. It was on this occasion that Mr. Travers came to see me and was invited to join in the conversation, with the result stated.

As an instance of how the feeling of irritation on the part of German officials may be promoted and increased by baseless rumors and fabrications, I may refer to the so-called proclamation which was reported at Berlin and referred to as having been issued by Malietoa's Government and to contain insulting expressions. I have already advised you that no such proclamation was issued, and that the paper, of which I furnished you a copy and translation, was, beyond doubt, a clumsy forgery, concocted, probably, by some person interested in increasing the friction between the German and Samoan Governments..

Believing so thoroughly, as I do, that this unfortunate feling towards Malietoa is entirely the result of misunderstandings, for which, as I have endeavored to show, he is not altogether to blame, and being assured from my observations, that there are no illfeelings towards the German Government, I venture to hope that the suggestions already made may lead to the removal of the difficulty arising from this cause.

In ascertaining the ~~present~~ duty of the Powers in the present situation, it might be objected that there is at present no real government over the group. This is largely true, but it has sufficiently appeared, I think, that this condition of things is due, not only to the weakness of the native government, but quite as much to the fitful, inconsistent and unauthorized foreign interference.

An end must now be put to this, and justice requires that, so far as may be, the evil effects of it should be removed, and that hereafter the action of the powers shoud be harmonious and their citizens and subjects restrained from all intermeddling with such Government as may be decided upon.

135

1.c. LEAST POSSIBLE INTERFERENCE WITH NATIVE CUSTOMS.

In any effort to establish stable government in Samoa, certain native characteristics must be borne in mind in connection with the customs already mentioned.. They are extermely susceptible to any display of force. The presence of a man-of-war will enable the representatives of the nation to which it belongs to extort from the natives almost any promise or agreement.. Such engagements, however, they are very indifferent about adhering to, and will break them as readily as they enter into them, when it is considered safe to do so. Their idle habits, the natural result of climatic influence, and the fertility of the soil, promote uneasiness and restlessness which find vent in great freedom of criticism of Government officers, and the readiness with which after a brief season of peace, they embrace schemes of revolution and promote civil discord and war.

The possession of office they look upon as a right or perquisite which should not long be enjoyed by any one set of chiefs, but ought to be subject to distribution like any other possession. This naturally results from community in the ownership of all property; and although contemporaneous history teaches us that such theories concerning office are not peculiar to Samoa, nevertheless, it is intensified there by the cause stated.

Going beyond the smaller communities, the same principle asserts itself in the jeolosy of rival families

to secure and retain the higher offices and their perquisites.

Of course, their traditions and customs naturally foster a tendency to resort to arms to settle questions of leadership or position.

I am careful to refer to the characteristics of these natives which bear upon their susceptibility to governmental control, because much of the past failure to progress towards stability of government has been owing to the fact that heretofore they have been disregarded.

The attempts to establish modern government have been premature because they have disregarded the principle illustrated by all human history, that modern stable government is a growth, not a manufacture.

Foreigners have constructed plans involving something like a modern parliament or congress for these people, to whom a more appropriate model would be the Saxon Witenagamothe, which was the forerunner of both Parliament and Congress. Thus has been overlooked the historical fact that the most prized features of constitutional government are but developments of early traditions and customs of much the same character as many of those which the Samoans have inherited from their ancestors.

While many of these customs would naturally wither and die in the presence of enlightened modern ideas, there are others which would expand and grow into laws, all the more enduring because rooted in the traditions of

the race.

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It follows, then, that my first suggestion respecting the future government of the country is, that there should be as little interference as practicable, as to affairs purely native, including the relations of the natives among themselves, and especially the administration of their ~~local~~ interests.

If a stable government is set up, the only points at which, at the outset, to touch the natives are, taxation and the administration of criminal law. I omit, purposely, the settlement of the land claims agsinst them, considering that matter as requiring, temporarily, special treatment.

So far as direct taxation shall be found necessary, it would be better in the beginning to distribute it per capita, and hold the Governor, or other head officer of the district responsible for the collection of the assessments within his district. The result of this would be that the taxes of the inhabitants of each village would probably be paid by the village in gross; that the example of a well-governed community of white men, coupled with the exercise of judicious, disinterested influence upon the native chiefs, would be the best reliance for ultimately overcoming and abolishing the doctrine of community, if that should be found as desirable as it now seems to me.

The main difficulty respecting the local administration of criminal law can only be made to

disappear by the existence of a well-organized central government; and as to this, recourse should be had, as far as practicable, to judicious pressure upon the native administrators of the district, who could very speedily be made to understand that criminals must not only be tried and condemned, but also, punished.

24RR

139

FOREIGN INTERVENTION./d.c.

The material question now to be determined is the character, extent and methods by which the expressed desire of the three Powers to co-operate in the establishment of stable government in the Islands may be most effectively carried out.

My own conviction is, doubtless, already apparent, that the extent of this intervention, to be effective and successful, must be (more) systematic and comprehensive (than seems to have been contemplated by my instructions.)

The central Government must be, for a time at least, administered by the three Treaty Powers, or through such agencies as they may select. There should be in the first place, a quadripartite treaty to which the three Treaty Powers and the Government of Samoa should be parties, and which would be, practically, the constitutional basis of the new Government.

While avoiding too much detail, this instrument should clearly define the conditions under which the Government is to be carried on, which might be done by having the constitution agreed upon annexed to the treaty as a schedule and connected with it by a reference.

The treaty should contain a mutual guarantee by the three powers, as between themselves, of the neutrality and autonomy of the new Government: it should also contain the proper stipulation that each power will prevent its citizens or subjects from performing such acts, to be spee

136

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140

ified, as experience has shown materially interfere with the peace and well-being of the natives. Such would be the sale to the natives of arms and ammunition or intoxicating liquors, and exciting among them rebellion and civil strife.

31

PRINCIPLES OF FUTURE GOVERNMENT. (cont.)

The Executive Power may be vested either in a council or a king and vice king as heretofore. I am inclined to think that the idea of a king is pleasing to the native mind; and in that case an arrangement for the future may be made-following closely the lessons of the past- by compelling a return to the agreement by which Malietoa should be recognized as King and Tamasese as Vice King, with a term of office limited to an alternation in the tenure of these offices between the two families of Malietoa and Tupua. The King and Vice King should be elected by the Taimua. I feel sure that this arrangement would be acquiesced in immediately if proposed by the Three Powers. Whether or no there be a King, the real executive power must be exercised by officers, who must, for a long time, be white men, appointed by the Samoan Government upon the nomination of the Treaty Powers.

The executive functions would naturally divide themselves into three classes, each requiring one of these officers, who would be in the nature of a cabinet, if there be a King, or an Executive Council, if there be none. In

137 b

the latter case, I would advise that the chosen heads of the two great families be also members of the Executive Council.

The three divisions of the executive business would be, one headed by a Secretary, who would correspond to what is called a Secretary of State or Premier, including foreign relations, the authentication and custody of laws; and he may also be charged with the duties of Public Prosecutor: the second, of land surveys, public works, and generally matters of interior administration, including harbor and quarantine regulations; and, third, ~~xxxx~~ treasury and revenue. These officers might be called Secretaries of State, Interior and Treasury, respectively; although, for a ~~civil~~ simple government appropriate to that country, I would prefer more unpretentious titles, such as Secretary, Surveyor General and Treasurer. I am sure that no little harm has been done in countries just merging into civilization by the use of high sounding titles which convey no meaning to those who bear them. If the theory of tripartite control should be determined upon, one of these three offices could be held by a nominee of each power; and in that case, they should be of equal grade.

The legislature should be formed on the model familiar to the country, consisting of two branches, to be called the Taimua and the Faipule. The Upper House should be composed of chiefs selected by the Districts, and the Lower House, of Representatives, the numbers and mode of selection to be so adjusted as to secure the difference

of tenure and checks and balances which are the object of having two branches of the legislature.

10/4

The three foreign officers should have seats in the Taimua, with the right of debate; and if such a check should be deemed requisite, all laws passed, before going into effect, might require the approval of two, or, if preferred, all three of the foreign officers: and regular meetings of the legislative bodies should not be held oftener than once a year.

The judicial department should consist of a chief judge, who should be a white man, appointed by the three foreign executive officers, or a majority of them, his term of office to be sufficiently long to give stability to the administration of justice. There should also be a native judge selected by the Taimua, who should sit with the Chief Judge in all cases to which a native is a party. The Chief Judge might be removable for cause by the concurrent vote of the three foreign executive officers, such act of removal, however, to be approved by the Three Treaty Powers; and pending such ~~removal~~ approval, the removal might operate as a suspension. The King, Vice King and the native associate judge should be removable only upon proceedings in the nature of an impeachment and trial thereon.

The jurisdiction of the court so constituted should extend to the hearing of all appeals in cases where they are provided for, to all matters now included within the

jurisdiction of the Municipal Magistrate at Apia, and to such other matters as may be provided by the treaty to be made, as before suggested.

The local magistrates should be appointed by the foreign executive officers, or a majority of them, upon the nomination of the Chief Judge. I would also invest the Chief Judge, or the public prosecutor, as may be preferred, with the appointment and superintendence of the police, and thus fix upon him the entire responsibility for the administration of justice and the preservation of order.. The vesting of such power in the Chief Judge is not in accord with the best theories of government, but as a practical measure, adapted to the necessities of the case, I believe it would operate satisfactorily, as a similar arrangement has already done in Apia.

With respect to the distribution of jurisdiction between the court so created and the Extra-Territorial Consular Court, I have carefully considered a memorandum on that subject made by Mr. Travers and am prepared to recommend it. I therefore quote it verbatim:-

"The Consular Jurisdiction shall remain unaltered

(1). As far as the Civil Jurisdiction is concerned.

"All civil suits between two subjects of the same nationality shall be decided by the competent Consular Court.

(2) All crimes etc.etc., committed by a subject of a nation having a Consul in Samoa shall be dealt with by such Consul.

There shall, however, be exempted from the Consular Jurisdiction,

(1) as far as civil jurisdiction is concerned,

(a) all suits between one subject of a Consular Power and a subject of another power, whether represented by Consuls or not.

(b) all land claims suits.

(2) As far as criminal jurisdiction is concerned, all cases of police offenses, so far as they are now under the jurisdiction of the Municipality.

The new Government's Courts shall accordingly deal,

(1) with all civil or penal suits against subjects of nations not represented by Consuls.

(2) with all police offenses, as stated before.

(3) land cases, but under a specially constituted court.

Mr. Thurston expressed the opinion that the Consular Jurisdiction should remain unaltered, but this plan afterwards discussed by Mr. Travers and myself, was not submitted to him.

Separate and distinct from the permanent judicial system, I would earnestly recommend the establishment of a temporary court or commission for the determination and settlement of all claims by foreigners of title to land. Such a court should be composed as suggested under the head of "Land Title," and should be upon the model of the International Court in Egypt.

(68) 145

In these propositions for a government for the future, I have not endeavored to go into details, nor to frame what might be called a constitution, but merely to enumerate the leading features sufficiently to indicate the character of the government which I think is required.

So far as details are concerned, several plans of government have been framed which will be found to bear much resemblance to each other, and which afford sufficient material as a guide in the elaboration of a specific scheme of government by those who may be charged with that duty.

(1.) A constitution prepared by the Consuls before Steinberger's return to the Islands. This provides for a purely native government, and is accompanied by an estimate of income and expenditures. The provision for two kings in this constitution is nominally an unnecessary one, the suggestions already made on this point being such as would, without question, be accepted if proposed by the powers. (Inclosed, marked Inclosure I. 1.)

(2.) What is known as the Steinberger Constitution of August 1873, prepared by him and adopted when he was in the control of the Government. ((Inclosure B. 1.))

(3.) Draft proposals of Mr. Thurston, received from him by mail- being an amendment of suggestions furnished by him to Mr. Travers and myself at Apia. Inclosed, marked Inclosure I. 2.

(4.) Memoranda on this subject submitted to me by two of the foreign residents, one of which includes, also, an estimate of income and expenditures. Inclosed marked I. 3. 4.

g 142

59 25 RR 146

The suggestion of creating a system of elections by which foreigners should vote I do not think advisable in the present condition of the foreign society in Apia. All such proceedings would tend simply to intensify the jealousies arising from difference of nationality and other causes. Some future system may be developed by which foreign residents may,-if they desire a voice in the government of the country- acquire some sort of citizenship,or denizenship,as in Hawaii; but at present,I feel perfectly clear that the foreigners there should acquiesce in the natural result of voluntary residence in a foreign country. Any other position is inconsistent with intervention by their Governments which is intended for and secures their protection.

If you should,at any time,consider that my familiarity with the country would make it serviceable to you to have me prepare a detailed plan of government including the features which I deem desirable,it will give me pleasure to do so. A controling reason why I deem it best not now to present such a plan is,that a question of great importance must first be settled,viz. whether the idea of a tripartite control shall be adhered to,or whether some arrangement shall be made for the administration of the Government by one of the Treaty Powers. Upon this subject I shall express frankly the best conclusion which I have been enabled to reach.

143

147

OBJECTIONS TO TRIPARTITE CONTROL. U.S.

My instructions having contemplated a triangular control of the native government, I have set forth principles which seem to me best adapted for it. Mr. Thurston also considered himself bound by his instructions to do the same thing and has made a proposal, already referred to.

Mr. Travers and I agreed that whatever should be determined upon must be carefully provided for in the treaty such as I have suggested, but he was emphatically of the opinion that an effort by the three Powers to carry out details of government in Samoa by joint action would be absolutely futile. His plan, as suggested to me, was that the three Powers should, by the treaty, select one to administer the Government of Samoa, under the arrangement proposed, as the agent of all, fully guaranteeing the rights of citizens and subjects of the other two powers. I have now, and expressed to him, grave doubts of the practicability of the Tripartite control. My instructions undoubtedly contemplate a local native government there of some force, and that the part to be performed by the three powers would not be so much that of administration as oversight.

I doubt whether it is understood, either at London or Berlin, or in Washington, that the real function of the intervening powers in Samoa, will, of necessity, be actual administration of government. Nothing short of this, at

144

least for a time, will remedy the existing condition of things.

39

I share, to a very great extent, with Mr Travers the apprehension that a government substantially of representatives of the three powers will be constantly disturbed by international dissensions of the same nature, though perhaps to a much less degree, as those which have characterized the Government by the Consuls. This Government-the only one for the last two years-has been, to some extent, of the character of the proposed tripartite control, and no one can doubt that it has been an absolute failure.

The difficulty which I saw in Mr Travers' plan- and frankly suggested to him- was the very apparent one of reaching a conclusion satisfactory to the three powers and their citizens and subjects, as to which one of the three powers should be deputised for this work of administration. It could hardly be expected that either the Garman Government or the British Government would agree to the selection of the other. Even if they had not each declined such a proposition, their conflicting interests and general policy of territorial acquisition in the South Sea would naturally interfere with such an agreement; and there are reasons why I should deem it improper for our own Government to assent to the delegation of the sole power of administration in these islands to either Great Britain or Germany. There are two serious objections to the sole control of the latter Government.

(1.) The concentration of German interests almost entirely in one company which has exercised in the past, and would undoubtedly exercise in the future, a dominating influence over ~~all~~ local German officials in Samoa.

(2.) While there are a large number of German residents at Apia, they are, with few exceptions, employees of the great German Company, While the other foreign residents are either British or American, the prevailing language among foreigners is English, which the Germans usually understand, ~~wakk~~ while the British and American subjects do not understand German. Under these circumstances, the administration of Government, and of the laws, in the German language would be a great hardship, which the use for the same purpose of the English language would not be.

I frankly expressed these views to Mr. Travers in response to his equally frank admission that, when he proposed a control by one power deputised, by treaty with the others, he really meant a control by his own Government, urging as the sole ground of this claim, what he clsimed to be the predominance of German interests.

On the other hand, Mr. Thurston did not admit that German interests predominated; and statistics from both points of view will doubtless be furnished in the reports of these gentlemen.

If it were true that German interests did predominate, it would be, to my mind, an additional reason why Ger-

150

many should not be allowed to control the Government; and there are reasons why the British Government should not be selected for the sole control of these islands.

35/26

As is the case with Germany, so Great Britain is pursuing a policy of the annexation and acquisition of the South Pacific Islands which renders it incumbent upon the United States, if they desire absolutely to secure the future autonomy and neutrality of this group, to object to the assumption by either of those powers of the absolute control of the Samoan Government, even under the most guarded treaty.

The only solution of this difficulty that I can see is, that the other Powers shall consent to the selection of the United States as a single Power, to exercise the necessary oversight in connection with the new Government to be formed.

The freedom of our country from any disposition to absorb territory in that region was fully recognized by the representatives both of Great Britain and Germany.

The fact that our concern in the matter does not arise from the preponderance of the interest of our citizens, but solely from a desire, arising from a national policy, to preserve the independence and neutrality of this group, is a reason why there should be a greater degree of confidence in the disinterested action of our Government, and the conservation of the interests of the native population, to whom the country really belongs, as well as ~~well as~~ those of foreigners who have located

147

themselves and their business interests there.

I will not undertake to state the views of either Mr. Thurston or Mr. Travers upon this subject, because it was not directly discussed; at the same time, it is proper for me to say-without intending to imply that there was any admission by either of them- that I believe that each would prefer that the control, if exercised by one Government, not his own, should be under the United States.

The limitations of my instructions, and my uncertainty whether such proposition would be favorably considered by our Government, deterred me from making any direct suggestion on the subject; but subsequent reflection upon Mr. Travers' decided conviction against a tripartite control has satisfied my own mind that this would be the best, and, on the whole, the most satisfactory solution of the difficulty.. No other course would, I believe, secure the islands entirely from future schemes and agitation looking to the absorption of the group by one of the European Powers.

No matter how strongly worded might be a treaty, or how emphatic the assurances of the Governments themselves, I see no reason to doubt that, among local officials and German and British subjects, annexation would still be looked upon as a future possibility to be either promoted or obstructed.

I need only add on this subject that I believe that the practical control of the Islands by the Government of the United States would be the result which would best satisfy the larger proportion of the foreign residents of Samoa.

148

152

MUNICIPALITY OF APIA. 1/2 c.

The present municipal goverbment of Apia has been referred to as affording an example of what might be done in the way of tripartite control. While this municipal arrangement has been, to some extent, a success, so far only as the preservation of ~~its~~ peace and order was concerned, its history emphasizes the objections to tripartite government rather than encourages the extension of it. It has been distinguished by ~~the~~ constant differences between the Consuls; and in the appointment of officers, the international distinctions have been strictly observed, the nationality of a candidate having often more to do with his selection than the question of his capacity and fitness for the duties of the office.

An occurrence during my stay at Apia illustrates this, and serves to show what might be expected by an extension of the principles which underlie the construction of the municipality: The Municipal Magistrate, when I went to Apia, was Mr. Thomas Maben. He was a British subject and quite well qualified for the position, but, unfortunately, had been guilty of an indiscretion in using, in a private letter to a friend in New Zealand, some foolish expressions of a general character with respect to the German residents at Apia, which letter found its way into print. For the terms used by him, there was no excuse, even though, as I afterwards understood, they were construed in a sense quite apart from his intentions. The irritation among the Germans was very

149

Omit

153

great, and, as a consequence, Mr. Maben's removal was accomplished through the machinery of the Municipal Board in this remarkable manner:- As the result of negotiations carried on between Berlin and London, instructions were sent by the British Foreign Office to the British Consul at Apia to request Mr. Maben's resignation, and to unite with the German members of the Board in electing a successor of that nationality.

In consequence of this extraordinary proceeding, the British Consul wrote a note requesting Mr. Maben's resignation, to which Mr. Maben replied, declining to resign upon the request of anybody except the Board, ~~the~~ which had elected him.

Omit

Copies of this correspondence, which were given to me upon my application, are herewith enclosed marked Inclosures, K. 1, 2.

When the American Consul learned what had been done, considering, very properly, that the action of the Municipal Board with regard to local concerns should be founded upon deliberation in Apia, and not upon European diplomacy, he declined to attend a special meeting which was intended to carry out the arrangement, as did, also, the other American member of the Board, until the other consuls agreed that if Mr. Maben would resign, he should be allowed two months' salary in lieu of reasonable notice. The result was that this arrangement was carried into effect and Mr. Maben voluntarily resigned and received a vote of thanks for his past services. His suc-

150

cessor was, in my judgment, an entirely competent man, and, in accordance with the instructoons of the British Foreign Office, a German subject.

This incident will illustrate two essential defects of the system; one, that nationality, rather than capacity and fitness ~~should be~~ is made the test of selection for office; and the other, that the principle of requiring each nationality to be represented at a meeting at which any business is transacted, ~~which~~ puts it in the power of the representative of any one nationality to obstruct the transaction of any business; and yet this principle would be almost a necessary component of any tripartite or inter-national government.

Another illustration of the defects of the system is afforded by the transactions connected with Dr. Stuebel's action of January 23rd, 1885., when he would have broken up the Municipal Board because the Consuls of Great Britain and the United States refused to submit to his demand for the violation of the article of the Convention requiring the Samoan flag to be hoisted at the place of meeting of the Board, until the two other Consuld submitted to the fiction that the flag had been raised and forcibly removed by Dr. Stuebel. And he refused his further co-operation

Such occurrences are always liable to take place in the present Board, and would be reasonably certain in any government established upon the same system.

In this connection, I would recommend that, whatever plan be adopted for establishing a stable government, it

shall include the abolition of the present government of the Municipality, as it will then be no longer needed, having been simply a make-shift for the preservation of order ~~and hav~~ during the practical suspension of all government for the last two or three years.

As the abolition of this Board would involve other provision for the functions now exercised by it, the regulations concerning the Municipality and Port of Apia are herewith enclosed, marked Inclosures, K. 3. 4.

EXPENSES OF THE GOVERNMENT.

It was my intention in connection with the plan of Government to present, also, an estimate of probable receipts and expenditures, but it is impossible to do this intelligently until after the scheme of government has been matured in detail. One point, however, it is proper that I should suggest for your consideration in connection with future negotiations between the powers.

While a considerable xxxxxx revenue can be raised from taxes upon property and business of foreigners, it is neither practicable nor just to put upon them the burden of supporting the Government of the country; and therefore, the best method of raising the required revenue from the natives with the least friction will be a very important point to determine. A government which costs them something will undoubtedly be more valued and better appreciated by the natives; but care should be taken that, whatever direct tax may be laid upon them,

shall be sufficiently moderate to be readily collected, and to accustom them gradually to such burdens.

The easiest method of taxing the natives would undpubtedly be by impost duties, which could be so adjusted as to yield considerable revenue without being felt, as is a direct tax. If, however, it should be deemed advisable to resort to this method of taxation, it will be necessary to make some modification in existing treaties and therefore, this subject must not be overlooked.

After a form of Government has been determined upon, it will not be difficult to estimate the necessary amount of taxation and expenses. As the abolition of the Municipality has been recommended, and I think would naturally follow the establishment of a government, its present resources of revenue would then be available for the general Government.

In order to afford you accurate information as to the nature and amount of this revenue, I obtained the last statement of the receipts and disbursements of the Municipal Government, and also a list of the persons licensed by it to do business, which are herewith enclosed, marked Inclosures, K. 5, 6.

I have no hesitation in expressing the opinion- and upon this point Mr. Thurston, Mr. Travers and I fully concur - that there will be no difficulty whatever in raising from the country itself, by taxation, a sufficient annual sum to pay all the expenses of such a government as is required.

End -

AMERICAN INTERVENTION IN THE PACIFIC. 10

To return to the subject of sole control, whether our Government would be willing to undertake it, even with the consent of the other powers, is a question which, of course, I cannot determine; but it is quite certain that our Government must conclude upon one of two things; either to abandon the interest thus far manifested by it in the preservation of some neutral ground in the Pacific, or else to take stronger ground with respect to intervening in the affairs of those communities not yet absorbed, even if it be necessary to modify what has been termed the American policy upon the subject of foreign intervention.

I do not believe that a vigorous and decided interest in the welfare of these native communities would be in opposition to the declared policy of our Government, but that it would fall within the limits of exceptions, not only well defined, but which have been enunciated and adhered to by successive officers in charge of our foreign affairs, of all parties.

What is known as our general policy of non-interference is too well defined to render any restatement of it necessary. It had its origin in a period when modern commerce was in its infancy; when the United States comprised a few communities along the Atlantic slope; when the vast Western domains, now opened up and settled by a progressive population, were unexplored re-

gions, and when the Pacific coast was almost as far, for all practical purposes, from the centres of population in the United States as are now the plains of Siberia or the deserts of Africa. It would not be surprising, therefore, if the policy originating so early in the history of our Government should have been found to have been enunciated more broadly and uncompromisingly than is consistent with the present demands of our civilization and progress; and, indeed, the history of our diplomacy shows that, while this general doctrine has been repeated ~~and enunciated~~, even up to the present time, with unusual consistency by all parties controlling the Government, it has, nevertheless, been found necessary, from time to time, to support action, in particular cases, which would have violated the general rule, by treating them as exceptions to it.

The enunciation of the Monroe doctrine first qualified the general policy of non-intervention and prescribed the limits to which it was to be thereafter confined. This public notice to the world that we would not submit to an extension of the European system to this hemisphere, or to the establishment upon it of European colonies in addition to those then existing, was put upon the express ground that we should regard such action as dangerous to our peace and safety.

The true limitation, therefore, of the doctrine of non-intervention with the operations of any European powers was thus stated. It was that such action should not permitted as might be considered by us as dangerous to our peace and safety.

It would be impossible, in view of the marvellous growth of the United States in population and resources and the extension of its territory, both by acquisition and settlement, that this limitation by President Monroe should, at all periods of our history, be geographically the same.

Although perhaps there exists-at least to some extent- a popular impression that the Monroe doctrine was intended to apply to acquisitions by foreign powers upon this continent, neither the terms in which the doctrine was originally stated, nor the action of our Government since, will be found to justify any such conclusion.* A very early application of the spirit of this doctrine to a country not embraced in the continent will be found in our diplomatic correspondence respecting Cuba; and while the United States have refused to interfere with the possession of that Island by Spain, it was declared more than sixty years ago, by Mr. Clay, and has been repeated in substance many times since, that we would not consent to the occupation of Cuba and Porto Rico by any other European power.

So in the Pacific. As the extension of our commerce and the settlement of our Pacific Coast made it apparent that the possession by a European power of the Sandwich Islands would be dangerous to our peace and safety-indeed more so than would be true as to the South American Republics- our Government has not hesitated to declare that their conquest or occupation by one of the great

*The term used in hemisphere which as the map shows, includes nearly all of Polynesia.

powers of Europe would be a result which we would not hesitate to prevent by force of arms if necessary..This statement has been repeated,substantially,though in different terms,by Mr. Webster,Mr. Legaré,Mr. Clayton,Mr. Marcy, Mr. Fish,Mr. Blaine,Mr. Frelinguysen and yourself.

In a dispatch of November 19,1881,your predecessor, Mr. Blaine,~~has~~ reviewed the relations of the Hawaiin Kingdom to the United States,and sets forth fully the necessity of making the policy of this country,with respect to the Pacific,the complement to its Atlantic policy. He recalls the fact that,although further from the coast, Hawaii is the key to the maritime dominion of the Pacific as is Cuba to the Gulf trade. While fully concurring with the sentiments expressed in this dispatch in regard to the importance to our Government of the Autonomy of Hawaii,I quote from it mainly in order to call attention to the fact that the present developments of the commerce of the Pacific,together with the promise of the near future,have greatly enhanced the importance to this Government of assuming and adhering to the same position with respect to the Samoan group which it has so often and so vigorously asserted with respect to the Hawaiin group.

The relation of the Samoan group to the future commerce of the Pacific is the same in kind- though at present,less in degree- as that of the Hawaiin group. At the present time the Trans-Atlantic steam traffic being exclusively carried on in foreign bottoms,and our own

steam ship lines being mainly engaged in the coast trade, the only transoceanic lines which carry the American flag to foreign ports are to be found on the Pacific. One of these lines consists of steamers, in all respects creditable to the flag they bear, which pass monthly each way between our own country and Australia, directly through the Samoan group; and there is every reason to believe that, with settled government there, arrangements will be made by which these steamers will touch at Apia and thereby largely increase a commerce which, already, carried in sailing vessels, includes American goods to the annual value, probably, of more than two hundred thousand dollars. This, it must be remembered, is without any development of the great natural resources of the islands, and unstimulated by the export to the United States of any of the commodities which can be raised there, undoubtedly to the same extent as in the Hawaiin group, and the natural market of which would be the Port of San Francisco.

It is now quite certain that an inter-oceanic canal across the Isthmus of Panama is one of the possibilities of the not very distant future; and it needs only a glance at the map to see that when that fact is accomplished, the key of maritime dominion in the Pacific, and, to some extent, the intercontinental commerce of the world, will be held, not alone by Hawaii, but jointly by Hawaii and Samoa.

I have endeavored to hint at, rather than to discuss the grounds of my conviction, that, in order to preserve to our country the opportunity of having its share in the

future commerce of the Pacific, which, excluding continental trade, must, from the immense number of inhabited islands alone, be of such magnitude as will make all present conjectures seem but trifling- it is of the first importance that the United States shhuld strengthen the bonds heretofore existing between Hawaii and this country and should promote the establishment of similar bonds to connect with us, indissolubly, the interests of the Samoan group, which is now drifting about, as it were, seeking the oversight and care of some power to do for it what I have tried to show it cannot accomplish for itself- the establishment of stable government for the future.

I am well aware that ignorance of the present resources and future possibilities of the Pacific Islands produces a lack of interest in this subject on the part of our countrymen who have not, by some special circumstances, been led to examine into them. In my own case, I have found that, before visiting that region, I had little or no conception, either of its true character and relation to the commerce of the world, or to the political importance to our country of more defined action in behalf of the preservation, at all hazzards, of the autonomy of the two groups of islands to which I have specially referred.

Many of our intelligent public men advocate the doctrine of absolute inattention, with respect to all matters transpiring beyond our immediate borders; but it is not

likely that such a policy would commend itself, either to the merchants of the Pacific coast already interested in this trade, the farmers of the great West to whom the existing demand makes so meagre a return for their crops, those who live upon the profits of manufactures, to whom the South Pacific offers the prospect of new and increasing markets, or to the ship builders of the Atlantic coast, who have not yet abandoned the hope that they will yet be called upon to build the ships which shall carry at least a fair proportion of the commerce of the world

96

The intelligent foresight of our Government has - at a time when the future of that region was much less certain than it is now--secured exclusive rights on the Island of Tutuila in a harbour probably not equaled, and certainly not surpassed in the Pacific.

In alluding to this harbour, a writer in a recent number of the Ninteenth Century, after referring to the acquisition of it by the United States, laments that it "has thus passed forever from the hands of the British;" and then adds, "The question here that naturally arises is, why did not England secure its possession?"

Having thus, so long ago acquired this foot-hold in the South Pacific, it would be shortsighted indeed if we were to permit the advantage of this action to slip away from us by leaving the way open to European domination in this group.

It is because of the conviction that the situation in these islands requires more active intervention in their domestic affairs, than was contemplated by my instructions, to secure to our own people the rights and privileges which naturally belong to them, that, while reporting, the best plan that I could devise in accordance with the instructions, I have been constrained to go beyond it and to urge more independent action on the part of this Government than has been heretofore contemplated.

I believe that, even with respect to Hawaii, its condition demands very close attention on the part of our Government, with possibly the emphatic intimation of a purpose to prevent that country from drifting into such a condition as would tend to bring about results which we have repeatedly asserted that we would not permit.

So far as Samoa is concerned, all that I have suggested I believe could, with proper effort, be accomplished, with the assent of the two other powers now co-operating with us. It involves to our Government little or no expenditure of money, the resources of the islands being quite adequate to the support of such a government as I have proposed.

The fact that the action proposed would be under treaty with England and Germany would prevent its from being anything like the assumption of a protectorate, or the acquisition of transmarine territory by our Gov-

ENNMENT

As the course proposed would be under a treaty with England and Germany, and strictly in accordance with the wishes of the Samoan Government, it would be far removed from an ordinary case of annexation or the assumption of a protectorate, which is usually accomplished by intervention not requested or desired by the people concerned.

The moral influence so exerted would rest upon the principles already asserted by our Government respecting Cuba and Hawaii, and the nomination of officers of the Samoan Government would be taking the same action for the protection of American citizens and interests in Samoa as has already been taken, to some extent, for the like purpose in Egypt and Japan.

I have the honor to be,

Sir,

Your obedient servant,

Ro. H. Coles

Hon. Thomas F. Bayard,

Secretary of State.

51

28RR 166

LIST OF DOCUMENTS SUBMITTED HEREWITH. /atd. h.o.

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A.	1.	Mr. Bates to Mr. Travers, Sept. 2, 1886.
"	2.	" " " " Thurston, " " "
"	3.	" Thurston to Mr. Bates " 5, "
"	4	" Travers " " " Oct. 13, "
"	5	" Bates " " Thurston, Sep. 25, 1886.
"	6	" Thurston " " Bates " 29, "
B.	1	Constitution of May 18, 1875 (Steinberger.)
"	2	Memorandum of E.L. Hamilton
"	3	Agreement about neutral territory
"	4	Request of Samoan Government to Consuls.
"	5	"Bismarck" Agreement, Dec. 15, 1879.
"	6	" Treaty " 23, "
"	7	Agreement of Foreign Consuls and Samoan Government, March 24, 1880.
"	8	"Lackawanna" Treaty, July 12, 1881.
C.		Article Samoa Times- November 16, 1878.
D.	1.	King of Samoa to Queen of Gt. Britain, Nov. 5, "84.
"	2	" " " " " " " " 12, "
"	3	" " " " Consul Churchward " " "
"	4.	" " " " Consul Canisius, Dec. 1 "
"	5	Samoan Annexation Act.
E.	1	Proclamation Dr. Stuebel, January 23, 1885.
"	2	Dr. Stuebel to King, " " "
"	3	King to Dr. Stuebel, November 20, 1884
"	4	Dr. Stuebel to King, October 7, "

LIST OF DOCUMENTS SUBMITTED, CONTINUED.

E.	5.	King to Admiral Knorr, April 10, 1886.
"	6	" " " " May 10, "
"	7	Admiral Knorr to King, " 9, "
"	8.	Von Holzendorff to " " 14, "
"	9	King to Emperor of Germany, Dec. 29, 1884.
"	10	Dr. Stuebel to King, Feb. 19, 1885
"	11	King to Dr. Stuebel, Apl.- "
"	12	Dr. Stuebel to King " 10, "
F.	1	Map of German Land Claims
"	2	Copy of deed and affidavit.
"	3	Certificate of Govt. of Samoa as to certain claims
"	4	Memorandum respecting Native Land Court of N.Z.
"	5	Map of English Land Claims
G.	1	King to Dr. Stuebel, July 12, 1886.
"	2	Dr. Stuebel to King, " 14, "
"	3	Mr. Alvord to Mr. Von Oertzen, April 1, 1882.
"	4	" " " " Goddefroy, " " "
"	5	" " " " Nelson, " " "
"	6	" " " " Von Oertzen, May 15 "
"	7	" " " King May " "
"	8	" " " Mr. Von Oertxen " 17, "
"	9	Affidavit of G.B. Pritchard Jr.
H.	1	Proclamation of Consuls, May 27, 1886.
"	2	"Mohecan" Treaty, June 8 "
I	1	Constitution of Samoa proposed by Consuls, 1875.
"	2	Draft of proposals- Mr. Thurston.
"	3	Memorandum on Government of Samoa.

1605

LIST OF DOCUMENTS SUBMITTED, CONTINUED.

I	4.	Memorandum on Government of Samoa	
K.	1.	Mr. Powell to Mr. Maben	September 27, 1886.
"	2	" Maben " Mr. Powell	October 1, "
"	3	Municipal Regulations of Apia.	
"	4	Post " " "	
"	5	Municipal Balance-sheet for 1885.	
"	6	List of licenses issued in Apia.	

169

INCLOSURE A.1.

Apia, Sept. 2, 1886.

Sir:-

The informal conferences which you and Mr. Thurston and I have had make it apparent that there is a lack of unanimity between us as to the course of proceedings which it was intended by our Governments that we should adopt in affecting the purpose of our visit to Samoa.

I must confess that I am deeply impressed by an apprehension that the result of this difference will be to impair very seriously, even if it does not defeat, the result to which it was hoped our investigation and report might contribute.

I therefore feel it to be my duty to address you in writing for the purpose of formulating the precise point of difference, as I understand it, and as I shall feel constrained to report it to the Government of the United States.

This will give you a definite statement of my view, not only of my instructions, but also, of what I conceive, and what was considered at Washington, to be the understanding between the three Governments pursuant to which we are now here. It will also enable me to verify my statement of your position, and to be corrected by you if I do not state it accurately. Nothing would be further from my wish than to misrepresent your views, even in the slightest degree.

Under my instructions, and from my personal interviews with the Secretary of State, it is very clear to me

that we were required to be here simultaneously because conference on the spot was one of the prime objects of our Governments in sending us here; that, while the details and manner of investogation were left quite fully to our discretion, that investigation was to be largely one conducted jointly. And while each of us will be expected to make a separate report to his own Government, I am expressly instructed to include in my report the remedies for existing troubles which shall commend themselves to the judgment, not of myself alone, but of us all.

It is manifest that it will be impossible for me to carry out this portion of my instructions because of the position assumed by you respecting our duties and functions. It is equally impossible to account for the presence of this instruction to me unless the United States Government understands the arrangement entered into respecting this investigation, as being different from that which you have derived from your instructions and kindly communicated to me.

You consider, if I received correct impressions from you, that we have no official relation to each other; that it is merely an act of grace and favor, on the part of any of us, to confer with both or either of the others; that any conference between us is confidential, and that therefore, if you should communicate to me any proposed remedies which should commend themselves to your judgment, I would not be at liberty to refer in my report to any conferences with you, or to the suggestions which you might have made.

You will permit me to say that, in my judgment, if my Government had understood the proposed meeting here in the light of your views about it, as expressed to us, it would have perceived in advnce that the results of such an investigation would throw much less light upon the problem presented than an investigation conducted upon the principles usually resorted to for the ascertainment of truth.

Even assuming that your view is correct, I am not yet informed that you consider your discretion limited as to the methods which you will adopt for informing your own mind. In that case, I much regret that you could not feel yourself justified in uniting with Mr. Thurston and myself in a joint examination of those persons here whose views any of us would think entitled to consideration, either by reason of length of residence here, orbtherwise.. Such an inquiry wohld result in obtaining the views of such persons with much less bias than would probably affect them in conversing with us separately, and it would enable us by inquiries suggested from different points of view, to sift the opinions expressed and apply those tests which such evidence has always been found to require under every civilized system of investigation.

A great advantage of such an investigation would be that, even if we should differ in our conclusions, we would at least have the same evidence from which to draw our conclusions, and each of us could subject it to analysis and criticism, in such manner as to give those who must act on our report a better understanding of the

facts than can possibly be derived from one, or even three ex parte examinations.

Another benefit which, it seems to me, would have resulted from joint action up to a certain point, at least, is this: Certain definite principles appear to me, from the correspondence between the three governments, to have been finally agreed upon. By a comparison of views and official papers, we could, it is hoped, have determined to be upon certain points which could be considered settled, and possibly, also, by a concurrence or comparison of views, have agreed upon certain preliminary points as needing no discussion by us.

I believe that Mr. Thurston's opinion of our duties and functions agrees substantially with my own; but in order to correct any possible error on this point, I transmit to him a copy of this letter.

I have the honor to be

Very respectfully yours

Geo. H. Bates

G. Travers, Esq.,

Special Commissioner of Germany.

INCLOSURE A.2.

Apia, Sept. 2. 1886

Sir:-

I hand you herewith enclosed, a copy of a note which I have addressed to Mr. Travers under this date. I have endeavored to state the position assumed by each of us in our relation to each other here, and have ventured that I understand your views to correspond in substance with mine. I should be glad to know from you if I have been correct in this statement.

I have the honor to be,

Very respectfully, &c.,

Geo. H. Bates.

The Hon. J. B. Thurston,

Special Commr. etc.

INCLOSURE A.3.

H.M.S. Miranda.

Apia, Samoa, 5th September, 1886.

Sir:-

I have the honor to acknowledge, with thanks, the receipt of your letter of the 2nd September, enclosing copy of a letter which you have addressed to Mr. Travers, the German Commissioner.

I concur with you in thinking that it would have been of advantage, if, in certain respects, the Commissioners had been able to conduct their enquiries in concert.

Allow me to take this opportunity of thanking you for the assistance and cordial cooperation which you have accorded me in the performance of my duties at Samoa

I have the honor to be,

Sir,

Your most obedient servant,

John B. Thurston.

G. H. Bates, Esq.,

U.S. Commissioner, Apia.

[INCLOSURE A.4.]

My dear Mr. Bates.

I entertained a hope that after your return from Tutuila I might have a chance of having some further conversation with you on the subject of our business; I mean Samoan affairs and reforms.

After the letter you addressed to me on the 2nd last month, pointing out the necessity of a free exchange of opinions between the Commissioners, and after having ex- to you the same day this letter reached me, that I would be only too happy to converse with you at any moment, and with the greatest frankness, on any subject you might think desirable to talk over with me, I was led to believe that our common stay in Apia would afford us ample opportunities to exchange freely our views on the various topics of our mission.

I am sorry to say that hope has only partly been fulfilled, & having regard to the very few days you will still remain with us, may I ask you kindly to inform me whether and at what time I may have the pleasure of a talk with you. If more convenient to you, I am ready to come on board ship; but should you prefer to come on shore I shall be delighted to see you at luncheon in the Consulate, so that we may have a long conversation before, or after luncheon, as it suits best your time & convenience.

Yours sincerely

Travers

Apia, 13/X86.

131

INCLOSURE A.5.

U.S.S. Mohican

Off Neiafu VaVau

Tonga Islands,

Sept. 25. 1886.

My dear Mr. Thurston:-

We have been a few days in this port, having intended going on to Nuuhalofa, but have waited a day or two longer for Mr. Baker, who went to the Volcanic Islands as Capt. Day promised him a passage back with us. He has just returned, and we will probably sail to-morrow.

After stopping a day or two at Tonga, I shall return to Apia and wait in that vicinity for the mail steamer Northward from Tutuila about Oct. 17th.

I have had a faint hope that I might have the good fortune at Tonga to meet you again. While nothing new has occurred, I would be very glad to discuss some points with you.

I hope to be at Apia again by to-morrow (Sunday) week, and wish very much you were going to be there too for a few days. Aside from the unfortunate difference of opinion as to the scope of our mission the principal regret I have about my visit there is, that your stay was so short, as I cannot help feeling that good might have come from fuller conferences, especially on some points which have since occurred to me, and also upon the details of plans for the future government of the group. However, we can simply do our best, under the circumstances, as they

are.

,Cordially reciprocating the sentiments of your note from Pago Pago, which I duly received, I am

Very truly yours,

Geo.H.Bates.

Hon. J.B.Thurston,

Special Comm'r.

P.S. Any communication may be addressed to me in care of the Captain of the ~~S.S.~~ steamship Mariposa at Auckland.

131

19

127

[Nov 1 enclosure]

INCLOSURE A.6.

Government House,

Fiji.

29th Sept.1886.

My dear Mr. Bates.

Your note of the 25th from Vavan reaches me just as our New Zealand steamer is going out; hence this brief note.

I am sorry for many reasons that my stay was short at Samoa, but frankly it was more than long enough to discover that our good German colleague and ourselves differed upon first principles, and that bound as he was by his instructions (so opposite to ours) no real satisfaction to us could have resulted.

The salient points of difference marked by me were

(1) The German Court's instructions do not refer to or include any consideration of the possibility of fostering an autonomous native government worthy of recognition, and

(2) that he had no official relations with us.

Now I am not unacquainted with the value and uses of private diplomatic interchange of views between officers of governments in our position. But I did not go, if I understood my instructions rightly, to meet the German Comm'r. altogether privately & unofficially.

It seems to me that the Government of Germany has not made its instructions harmonious with those issued to its representatives by the Govt. of the United States

and Great Britain.

This variance will probably form the subject of explanation hereafter.

In the meantime, I shall make the best repott and recommendation in my power, ~~unless~~ without permitting myself to drift into the undecided position proposed by Mr. Travers

These therefore, are my views. For the rest, I am confident the German Government inclines to solve the difficulties by assuming controle in Samoa on behalf of herself and the other Powers concerned- This subject is not referred to in my instructions, but on the contrary I am informed that there is to be no movement in the way of "annexation", and no assertion even of "individual predominance."

I do not think, as before said, that any good would have proceeded from prolonged conference had I staid six months, while for reasons given ably in your note to Mr. Travers, a satisfactory enquiry upon our part was in a very great measure rendered impossible.

I am sorry to hear of such disastrous news from the Island of "Niuafo". These volcanic disturbances are most serious occurrences.

Let me know, if you have time, what you thought of Tonga.

Your several papers re Fijian affairs will be forwarded by Book Post & I trust may be interest you.

Wishing you a happy return to your wife and family and in the faint hope that I may be one day in your neig borhood

Believe me
Yours very faithfully
John B. Thurston.

[Enclosure 1 in No. 1.]

179

DECLARATION OF RIGHTS.

[SAMOA TIMES, August 17, 1878.]

The following is a copy of the Constitution drawn out by Col. Steinberger and agreed to by the Samoans in 1875, and which we re-print at the request of a number of our readers. It will be noticed that there is scarcely a section of it but what has been violated by the present "Government":—

We, the people of Samoa, who laid the foundation of our Government at Mulinuu, on the 21st day of August, A.D. 1873, impressed with a sense of all human weakness, and bending before the power of Almighty God, do now ordain and establish the Constitution for Samoa.

This is in order to establish justice, to give us domestic tranquility, promote the general welfare, and cause us to be respected as a nation among the nations of the earth. The origin of our Government is by the action of our chiefs and rulers of Samoa, and we give thanks to God for the peace and goodwill that we are enjoying, and the unity which enables us to choose rulers for the secure establishment of our Government. God has made of one blood all the people of the earth; peace, unity, happiness, and the love and fear of God are among the blessings of the earth. Guarantees for the liberty of the people, and the power of the law will be our safety; to man belongs the sacred rights of life, limb, liberty, freedom from oppression, the earnings of his hands and the productions of his mind. Government and laws are not for the protection of chiefs and rulers only, but for the people, each shall be free to come and go to till his land, to earn his bread, to trade and barter, and appeal to the majesty of the law for protection. The execution of the law will operate upon the chiefs and rules as well as the subject, all will be equally judged for a violation of the law. Protection is hereby published for the safety and welfare of all the inhabitants of these islands, that people and chiefs may enjoy protection alike under the same law; that each may be secure in their lands, their lots, their habitations, and all property, and should a chief, or ruler, or governor, or any public functionary act in violation of this Constitution he shall no longer retain his position.

As we have merged from barbarism through the teachings of the Missionaries, and come to know the Living God through the love, patience, and teachings of these teachers of the Holy Word, so will we maintain our faith, and recognise the truth that we are powerless without God's aid, that we will support our Church, observe the Sabbath, respect our pastors, and adhere to the Word of God, but religious freedom shall be accorded to all the sound promptings of the heart, and the entire freedom of conscience is the right of all men, therefore it is our solemn desire that no law shall be enacted at variance with the Word of our Lord God or the spirit of his Word.

Now in enacting our Government we pray for the charity and protection of all the civilised nations of this earth, that our Government be recognised, and our laws respected, as we will respect and give protection to the foreign element now and hereafter to be amongst us.

180

CONSTITUTION.

ARTICLE I.

Section 1.—All Legislative powers herein granted shall be vested in a House of Chiefs or Nobles and a House of Representatives.

Section 2.—The House of Representatives shall be composed of members chosen every second year to sit in council with the Nobles and establish laws for the Nation. This Representative body shall have a voice in the business of the Kingdom, and no law shall be passed without the approbation of the majority of them. Such Representatives shall be elected by ballot by the people of each district. The actual enumeration shall be made within one year from the assembling of the first Parliament, and a new enumeration made every five years as subsequent laws of election may direct. The number of Representatives shall not exceed one for every 2000 people, and shall be chosen from the Islands of Manua, Olosega, Ofu, Aunuu, Tutuila, the districts of Atua, Tuamasaga, and Aana, of Upolu, Manono, Apolima, Savaii. When vacancies happen in Representatives from any district, the House of Nobles shall issue writs of election to fill such vacancies. The House of Representatives shall select their Speaker or Head, and other officers, and have the sole power of performing articles of impeachment.

Section 3.—The House of Chiefs or Nobles shall be composed of 2 Chiefs from Manua, Olosega, Ofu, Aunuu, and Tutuila combined, 2 from Atua, 2 from Tuamasaga, 2 from Aana, one from Manono and Apolima, and six from Savaii, making fifteen. This body shall be known as the Taimua and consist of High Chiefs selected by their people, and such nominations shall be presented to the King for approval. Warrants of nobility shall be issued to such Chiefs, and they shall sit in Government Council to give advice, and aid in making and maintaining laws. The King shall consult with the Taimua respecting the affairs of the Kingdom. The present Taimua to be the Government of Samoa, to be obeyed and respected until such time as the King and Representative body (Taimua and House of Representatives) are chosen and fairly established according to this Constitution. That they be the Governing power of the land, and recognised as the supreme power; that vacancies be filled and the laws be executed by them.

Section 4.—With veneration for our customs and ancient traditions, and to maintain inviolate the great families who have sprung from a race of Kings, and to give greater security to our people, it is decreed that the Royal blood be acknowledged and shall be perpetuated in the great houses of Malietoa and Tupua. The King chosen from one of these families shall reign for the period of four years, and upon the expiration or of demise, then the succession shall fall to the other of the two families. That there shall be a rotation in the line of Kings between the two families of Malietoa and Tupua with the succession alternating in the two families. If within the prescribed time of four years a vacancy should happen by death, impeachment, or resignation, then the vacancy shall be filled from the other house or family, and serve for a period of four years and not

for the unexpired term. The King shall be chosen by the Taimua, the Malo, and Faipule, as the chosen representatives of Samoa, now assembled at Mulinuu. The King shall make oath to adhere to, preserve, protect and defend the Constitution of Somoa, to execute the laws and protect the rights of the people.

Section 5.—The prerogatives of the King are as follows, viz.: He is the Sovereign of the people and the Chiefs. He shall have the direction of the army and the implements of war of the Kingdom. He also shall have the direction of the public lands, the poll tax, and the land tax. He shall have control of the lands forfeited to the Government from non-payment of taxes, all in conformity to the law. Under the law he shall be the Chief Judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries. It shall be his prerogative to form treaties, receive Ministers, and confirm agreements with them. He shall have power to control by the army revolutionary districts when the Legislative is not in session. His power to transact important business of the Kingdom shall only be exercised when the law has not assigned specified duties to others.

Section 6.—The King shall appoint 8 Governors, one for the islands of Manua, Olosega, and Ofu; one for Aunuu and Tutuila, one for Atua, one for Tuamasaga, one for Aana, one for Manono and Apolima, and two for Savaii. The Governor shall be appointed only after the Chiefs of said islands have selected a candidate and sent his name to the King. In the interim the Taimua shall appoint such Governors. All the Governors from Manua to Falealupo shall be subject only to the King and the Premier. Each Governor shall have direction over the tax-gatherers, and support them in the execution of their duties; he shall preside over the Judges of his island or district, and be responsible for the execution of the laws. He shall appoint the Judges and give them their certificate of office. The Governor shall have charge of the island or district over which he presides, control of the malitia, Government arms and munitions of war. He shall receive the Government dues and deliver them over to the Premier. All important decisions shall rest with him, but subjects shall always have the right of appeal as against unlawful or tyrannical acts of a Governor.

The Premier of the Kingdom.

Section 7.—It shall be the duty of the King (the Taimua in the interim) to appoint some person as his particular Minister, whose title shall be Premier of the Kingdom. His duty shall be to transact for the King all business connected with the special interests of the Kingdom, and all documents and business executed by the Premier shall have the force as though executed by the King's authority. The Premier shall be the King's special councillor in all the important business of the Kingdom. The King shall not act without the knowledge of the Premier, and the Premier shall be entitled to the floor of each House of Parliament, and join in the debates.

Supreme Court.

Section 8.—The representation body shall appoint four persons, whose duty it shall be to aid the King and the Premier, and these six persons shall constitute the Supreme Court of the Kingdom. They shall give due notice of the time and place of holding Court; they shall grant new trials in cases of appeal, life, death, confinement and fine are with them, and their decisions are final.

Judges.

Section 9.—Each Governor shall appoint four or more Judges for his island or district, and give them certificates of office, and they can then only be removed by impeachment; the law shall regulate the term of office. The Judges shall give notice of the time and place of holding Courts, and shall then enter upon trials according to the prescribed form of law. No Judge shall have jurisdiction over land cases as between landlord and land agents or their tenants, or in the matter of taxation, but his duty shall be to try all cases of murder, felony, assault, theft, trespass, and general violation of the public peace, and breaking of the laws. Exceptions may be taken to the judgment of the Judges and the Courts, and an appeal taken to the Supreme Court.

ARTICLE II.

Section 1.—A proper respect for the white residents and sojourners in Samoa who establish business relations with our people, will receive the earnest thought and deliberation of our law-making power, that their lands, their business, and all their rights be protected, trusting in their honest and hearty co-operation and praying for their aid and comfort.

Section 2.—The introduction of foreign labour on our islands shall be permitted, but copies of all contracts with labourers must be lodged with the Government, such labour must be voluntary, and their grievances as well as all complaints against them subject to the courts of law and their decisions. Each labourer shall be registered with name, place of birth or nativity, and approximate age, each one shall be furnished with a Government permit, and at the expiration of their term of contract to be at liberty to depart, to re-contract, or remain as citizens of Samoa, with all the rights, privileges, and immunities of other people, but subject to the general law.

Section 3.—Free Trade shall be the established system of the Government; there shall be no export or import duties except upon the importation of spirituous liquors as provided by law.

ARTICLE III.

Section 1.—There shall be a department of the Interior created, with a Land Commission, and a Minister of Interior, who shall have jurisdiction of the Government domain. The function of said Board of Commission will be regulated by law.

Section 2.—The Secretary of the Interior will receive his appointment from the King and be a member of the Ministry.

Section 3.—The King shall appoint a Minister of Finance who shall have control of the Department of Finance and be a member of the Ministry.

Article IV.

Section 1.—The Parliament shall meet once each year, both Houses shall combine to determine the day of adjournment, but the law will fix the day of assembly. The Premier shall be the President of the Upper House, (House of Nobles); each House shall choose their other officers and elect their secretaries and clerks.

Section 2.—The House of Nobles shall have the sole power to try all impeachments, and when sitting shall be under oath, but the articles of impeachment must come from the House of Representatives.

Section 3.—The time, place, and manner of holding election shall be prescribed by the Parliament, and each House shall judge of the validity of the election of each member.

Section 4.—Each House may make rules for its proceedings, punish members for disorderly conduct, and a two-thirds vote may expel a member of the House of Representatives. Each House shall keep a minute of their proceedings, and from time to time publish the same.

Section 5.—All proceedings and law shall be transacted in Samoan, and translated into English, but any white resident, or officer of a foreign Government other than English, shall, upon demand by properly constitututed agents, be allowed access to the proceedings of Parliament and the laws, and make a copy in any language.

Section 6.—Members of both Houses shall receive a compensation to be fixed by the law, but to be in rigid comformity with the necessities of the people, and upon rigid economical principles and they shall in all cases except, treason, felony, and breach of the peace, be exempt from arrest during their attendance at a session of their respective Houses and in going to or returning from the same.

Section 7.—All Bills for raising the revenue must originate in the House of Representatives, so that the people, through their chosen representatives, shall have a voice in the raising of the revenue of the Government, but the House of Nobles shall concur in such Bills.

Article V.

Section 1.—I. The Parliament shall have power to levy and collect taxes, duties, imposts excises, to pay debts provide, for the Common defence and general welfare of Samoa.

II. To borrow money on the credit of the Government.

III. To regulate commerce with other nations.

IV. To coin money.

V. To establish post-offices and build roads.

VI. To support a home guard and provide for calling forth the militia, &c., execute the laws and suppress insurrections.

Section 2.—I. No Bill of attainder or expost facto law shall be passed.

II No money shall be drawn from the Treasury except after an appropriation by the Parliament, and a regular statement of receipts and disbursements of public money shall be published from time to time.

Section 3.—No island or district shall enter into any treaty with other powers contract, debts, make currency, or make any law except in accordance with the laws of Parliament, which are the laws of Samoa.

Section 4.—Full faith and credit shall be given in each district for the acts, records, and judical proceedings of another district.

Section 5.—The citizens of one island or district shall have like privileges and immunities in every other district.

Section 6.—A person charged in any island or district with treason, felony, or crime who shall flee from justice and be found in another island or district shall, upon demand, be delivered up.

Article VI.

Section 1.—All debts and agreements contracted or entered into prior to the adoption of this Constitution shall be valid as against the Government of Samoa.

Section 2.—I Members of the House of Nobles and Representatives, and all other offices of the Goverment shall be bound by oath to support the Constitution.

II. The Constitution shall be above the King.

III. It is adopted by the present Taimua and will be presented to the people for final ratification.

Section 3.—It is solemnly decreed that after the expiration of seven years, when the people are accustomed to the ballot, and realise the sanctity of election, then the Parliament may call a general election to give the people of Samoa the right to resolve the monarchy into a republic. In the action of the Parliament in calling such election, the King shall have no voice, and this section of the Constitution is not subject of amendment.

Section 4.—This Constitution may be amended by a two-thirds vote of Parliament, but such amendment must be ratified by the people.

The above Constitution has been adopted by the Taimua, and we have hereunto subscribed our names and affixed our seals, this 18th day of May, 1875, at Mulinuu, Samoa.

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INCLOSURE B.2.

185

Memorandum respecting the raising of the American flag at Mulinuu Pt., May 24th. ty. 1877.

It This incident having been referred to by Mr. Bates in a casual conversation with me, I write down at his request my recollection of the circumstances as then stated to him verbally.

At this time (May, 1877), I was very intimate with Mr. Weber, doing considerable business with him, and we were both favorable to Malietoa, assisting him in various ways in his government.

On the 23'd. May 28 77, the deputation of Natives that had gone to Fiji on business connected with a proposed annexation to Great Britain, returned to report to the government, the result of their mission.

Captain Stewart the master of the vessel that took this deputation and brought it back, and who claimed to be an American, visited the U. S. Vice Consul, Mr. Colmesnil, immediately upon the arrival of his vessel and they together came to me with the object of ascertaining whether I would offer any protest or opposition to their project of hoisting the United States flag at Mulinuu Pt. (the seat of government) on the following morning and said they were going to inquire of others to the same purpose.

I had no objections to make and they left.

Early on the morning of the 24th, the U.S. flag was hoisted at Mulinuu Pt. by Consul Colmesnil and at the same time a salute was fired by Captain Stewart on shore, ostensibly in honor of the Queen's birthday.

A little while later on the same morning, I called on Mr. Weber and recounted to him the occurrence of the hoisting of the flag, to which he answered, in substance:- "I know all about that: Colmesnil was here last night: it was all understood between us;" — thus giving me the impression that he was party to the temporary protectorate plan as carried out by Consul Colmesnil and Captain Stewart.

My impression at the time was that the plan was devised and executed in order to forestall the proposed annexation to Great Britain.

E L Hamilton

U. S. Consulate.
Apia, 9 Oct. 86

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INCLOSURE B.3.

From the Samoa Times of June 7. 1879.

187

The following is a translation of a document which has this week been received by the Foreign Representatives from the "Government" party and the Tuamasaga, in reference to the boundaries of the neutral territory:- "We agree with the representatives of foreign Governments in Apia now as follows. (1) We accept the boundaries of the neutral territory from Siapepe Point to Letoga including both those places. These are the boundaries beginning at Siapepe thence inland to Sinsega; Sinsega is inside the neutral ground. The Faalava road is open to war parties; the boundary of Sinsega ends there, and thence to above Vaea at the back of the Catholic Mission house, and thence to the back of Tanumamanono, and bounds there with Lafalafa and thence

thence on to Lebogo water, F. Cornwall's land at Falcula, Mr Weber's house and land, and Mr Williamson's house and land inland of Tanumamanono. (2) If war should break out we will not raise our flag within the neutral ground, and all officials acting under us shall leave Mulinuu. No armed parties shall travel nor occupy through nor in a position of the neutral ground, after war is declared nor pass the boundaries. (3) We will inform you gentlemen Representatives of foreign countries at once when war shall be declared. Signed on behalf of the Tamua and Faipule by Samoa, Letuli, Sarua, Amoa, Signed on behalf of the Tuamasaga and Manono by Tauiau, Leiataualesa, Mataafa, Tuiatafu. Witness to signatures, and approved by Dr. Weber Imperial German Consul, Robt. S. Swanston, H. B. M. Actg Consul, Thomas M. Dawson, United States Consul. J. M. Coe, interpreter

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B.4

Inclosure B.4. in No. 1 to enclosure

From the Samoa Times, July 19. 1879.

187

If Having been asked upon several occasions upon what authority the Foreign Consuls have assumed the government of the Neutral Territory, and made the regulations they have, we now publish the following translation of a letter to the Consuls from Malietoa and his Government and from the Faumua and Faipule:- Gentlemen,- You are cognizant of the existing difficulties in Samoa, we therefore address you as gentlemen holding office at Apia, under authority of the great Governments; we desire that you direct your attention to the safety of the property, and lands, and houses, and the lives of foreigners as well as of others. You will therefore make rules and regulations to repress evil disposed and disorderly persons, and in addition to repress the selling of intoxicating drinks to Samoans and other Pacific

Islanders

Islanders. You will please gentlemen also to direct your attention to see carried out all such rules and regulations within the limits of the Neutral Territory. This agreement shall hold good until such time as the existing troubles in Samoa shall have ceased.

AGREEMENTS.

THE following agreements made between the Foreign Representatives resident in Apia, and the King, we publish for public information:—

[TRANSLATION.]

Apia, December 15th, 1879.

This day assembled at Apia, on board H.I.G.M.S Bismark, the Samoan Chiefs named in this document and appointed on the side by Saleaula, Leulumoega, and Lufi Lufi and their provinces and the chiefs and representatives of their war parties and adherents, and on the other side by the provinces of Manono, Faasaleleaga, Itu o fafine, and Tuamasaga, and the chiefs and representatives of their war parties and their adherents.

They meet on board H.I.G.M.S Bismark, this being a neutral place, and they are appointed to deliberate about the proclamation of peace, in order to restore friendly relations and harmony in Samoa, and also to deliberate about other matters useful for the welfare of Samoa. They shall enter into a treaty about the articles accepted of and agreed upon by them, and then sign the same, to ratify thereby the treaty agred upon.

For this purpose have now been appointed on the one side by Saleaula, Leulumoega, and Lufi Lufi, and their provinces and the chiefs and representatives of their war parties and their adherents—

1. Malua	Saleaula.
2. Lavea	
3. Masua	Atua.
4. Tafua	
5. Galu	Aana.
6. Mamea	
7. Meafaifua	Palauli.
8. Asiata	
9. Leiataua Piliopo—Manono.	
10. Samoa	Tuamasaga.
11. Lutu	
12. Alapa	Tutuila.
13. Leaeno	

and on the other side by the provinces of Manono, Faasaleleanga, Ituofafine, and Tuamasaga, and the chiefs and representatives of their war parties and their adherents—

1. Sa'u	Manono.
2. Taupa'u	
3. Faatuono	Faasaleleaga.
4. Lauati	
5. Asiata	Palauli.
6. Lana'aia	
7. Tuiatafu	Tuamasaga
8. Mataafa	
9. Saga Auauna	Aana.
10. Taefu	
11. Leasio	Atua.
12. Leota	

who then agreed upon the following articles:—

ARTICLE I.

The chiefs of both parties accept of the desire of Captain Deinhard, commanding H.I.G.M.S. Bismark, being the same as that of the Foreign Representatives at Apia, to stop the war.

Ua potopoto faatasi i le aso nei i Apia i luga o le Manuao o lana Afioga o le Kaisa (Tupu Sili) o Siamani, e igoa o Bismark, o Alii Samoa e tau o latou suafa i le tusi nei.

Ua tofia Alii i le tasi itu, e Saleaula ma Leulumoega ma Lufilufi, ma Latou, Itu Malo, ma Alii, ma Faipule, foi o latou itu taua atoa ma Alii, ma tagata uma, ua au faatasi ma latou.

Ua tofia Alii i le isi itu o itu Faasaleleaga ma le Itu o Fafine ma le itu malo o manono ma le Tuamasaga, ma Alii, ma Faipule foi o latou itu taua atoa ma Alii ma lagoto uma ua au faatasi ma latou.

Latou te potopoto faatasi i luga o le Manuao Siamani o Bismark, anā ua tusa lea ma le mea lenei fō ma le lauleole sa foi.

Ua tofia latou, e filifili faatasi i le faaola o le taua, ina ia toe feafolani ma nofolelei o Samoa uma, e filifili foi i nisi mātaupu e aoga i le manuia o Samoa. E osi e latou o le feagaiga i mātaupu, ua latou loto gatasi ai ma tafesoi, ona tutusi ai lea o latou [illegible] ai le feagaiga ua latou [illegible].

O lenei ua uma ona tofia.

Ile tasi i tu o Saleaula, ma Leulumoega, ma Lofilufi, ma latou. Itu Malo, ma Alii, ma Faipule foi o [illegible] ma latou ma Alii ma tagata uma ua au faatasi ma latou.

1. Malua	Saleaula.
2. Lavea	
3. Masua	Atua.
4. Tafua	
5. Galu	Aana.
6. Mamea	
7. Meafaifua	Palauli.
8. Asiata	
9. Leiataua Piliopo—Manono.	
10. Samoa	Tuamasaga.
11. Lutu	
12. Alapa	Tutuila.
13. Leaeno	

ma I le isi itu e Itu Malo o Manono, ma le Faasaleleaga, ma le Itu o Fafine, ma le Tuamasaga, ma Alii, ma Faipule, foi o latou itu taua atoa ma Alii ma tagata uma ua au faatosi ma latou.

1. Saiā	Manono.
2. Tupaū	
3. Faatuono	Faasaleleaga.
4. Lauati	
5. Asiata	Palauli.
6. Lana'aia	
7. Tuiatafu	Tuamasaga.
8. Mataafa	
9. Saga Auauna	Aana.
10. Taefu	
11. Leasio	Atua.
12. Leota.	

latou le faia lea mea, ana, latou lota gatasi ai lea i mataupu nei.

MATAUPU I.

Ua talia e Alii o le tasi itu ma le isi itu i le finagalo o Kapitene Deinhard o le Alii vaa o le Manuao Siamani o Bismarck, ua tusa foi ma le finagalo o Alii tofia o Itu Malo tetele i Apia, ia tuu lava le taua.

Therefore, peace is now hereby proclaimed. There shall be no more war in Samoa, but peace and friendship shall henceforth be maintained by all the provinces and places of Samoa and their chiefs and people.

If at any future day any disturbance should again arise, then a decision and peaceable settlement shall be attempted in an amicable way.

All the chiefs and people of the war parties shall return to their own places, and again turn to their peaceable and friendly occupations, and they shall obediently leave, for their homes, on that day which Captain Deinhard, commanding H.I.G.M.S. Bismark, shall appoint.

ARTICLE II.

The chiefs of both parties do hereby again accept of and ratify all treaties made between Samoa and the Great Governments of the United States, Germany, and Great Britain, especially also, The Apia Municipality Convention, which shall be valid from the day it was made.

ARTICLE III.

Each province of Samoa shall appoint two chiefs to meet together at such place as Captain Deinhard, commanding H.I.G.M.S. Bismark, may point out, to deliberate, and turn their attention to a final settlement with regard to all matters concerning the Government of Samoa.

They will also deliberate and agree about an amicable settlement with regard to all Samoan property which was destroyed and plundered in this war by the war parties of both sides.

They will also deliberate about arrangements by which it will be possible for the minority of the people of one province who dissented from the majority of the people of the same province, to return amicably to their province.

They will also deliberate together with the Foreign Representatives at Apia in order to make it possibe to arrive at an amicable arrangement about all foreign property destroyed, plundered, and damaged in this war by the war parties, and also about all points whereby the war parties have trespassed upon the neutral territory.

In case of a dispute between the chiefs and people of a province, because they cannot agree upon two chiefs to be appointed, Captain Deinhard, commanding H.I.G.M.S. Bismark, shall decide and point out the chiefs who are to be put aside and who are to remain.

Captain Deinhard, commanding H.I.G.M.S. Bismark, shall have the right to transfer this arbitership to the Foreign Representatives at Apia, and make them his substitutes.

ARTICLE IV.

This treaty shall be binding from the day on which it is signed by the chiefs appointed on both sides, and it shall be put into the hands of Captain Deinhard, who will transmit it, at a later day, to the Foreign Representatives at Apia, for safe keeping, but each province of Samoa shall have the right to get a copy thereof if they desire so.

O le mea lea ua tala'i ai nei, ua faatoa le taua.

E le toe tau le taua i Samoa nei, a e tumau lava le fealofani ma le nofofele i aso uma o lumanai, o Itu Malo ma nuu uma o Samoa atoa ma Alii ma tagata uma.

Afai e toe tupu se faalavelave i so aso o lumanai, ona faasaga lava lea i le fealofani e maua ai se iuga ma se toe mau ielei.

Ia toe fo'i atu nei o Alii ma tagata uma o itu taua i latou lava nuu, ia tu e faasaga i latou galiega ma latou feau, ia tatau ma le nofofele ma le fealofani; latou te te'a ma le ogaumatai i le aso lava e faatonu atu ai e latou o Kapitene Deinhard o le Alii vaa o le Manuao Siamani o Bismarck.

MATAUPU II.

Ua toe talia ma faamauina nei e Alii e le tasi itu ma le isi itu i feagaiga uma na osia e Samoa ma Itu malo tetele o le Unaite Sitete, ma Siamani, ma Peretania, aemaise foi o feagaiga na osia i le faatuina o le faiaai ma nuu o Apia; e tetau foi ona amataina le pule o le feagaiga i le faatuina o le faiaai ma nuu o Apia i le aso lava, sa osi ai le feagaiga.

MATAUPU III.

E tofia lava nei e taitasi Itu Malo o Samoa tai toa lea Alii, latou te potopoto faatasi i le mea e faasino atu e Kapitene Deinhard, o le Alii vaa o le Manuao Siamani o Bismarck, e fai latou filifiliga e faasaga ai i se tonu ataatoa tau mataupu uma o le Malo o Samoa.

Latou te filifili ma lato gatasi foi i se faaiu i le fealofani tau me ana a Samoa, na faasaunoaina ma vetea i lenei taua e itu taua o le tasi i'tu ma le isi i'tu.

Latou te filifili fai i ni sauniga e mafai e ona toe fo'i mai ma le fealofani i lo latou lava Itu Malo e tagata tonitiati, sa latou loto ese, i le tonitele o la latou Itu Malo.

Latou te filifili fai faatasi ma Alii tofia o Itu Malo tetele i Apia, ina ia mafai ona maua o se tonu fealofani i mea uma a papalagi, na faasaunoaina ma vetea ma faaleagaina e itu taua i lenei taua; e faapea foi i mea uma ua solia ai e itu taua i le lauele ele sa.

Afai e fefinaua'i o Alii ma tagata o se Itu Malo o Samoa, auā e le mafai ona latou loto gatasi i taalua Alii e tofia, ona pule lava lea e Kapitene Deinhard o le Alii vaa o le Manuao Siamani e igoa o Bismarck e faatonu atu o ai Alii na tu'u ese pe nonofo.

E tu'u faitalia foi e Kapitene Deinhard o le Alii vaa o le Manuao Siamani o Bismarck, ona tunina ane e ia lona pule i finauga, ia Alii to fia o Itu Malo tetele i Apia, e fai o latou ma lona sui i lenei mea.

MATAPU IV.

E mau lava lanei feagaiga, e amata i le aso o lo'o tuuina ai o latou suafa e Alii na tofia i le tasi itu ma le isi itu.

E tuuina atu lenei tusi o le feagaiga i lima o Kapitene Deinhard a e toe tuuina ane e ia i se tasi aso nanei i lima o Alii tofia o Itu Malo tetele i Apia, latou te tausi ini, a e tatau lava ona maua sona ata o taitasi Itu Malo o Samoa pe a manao iai.

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193

This treaty has been signed and sealed by the chiefs nominated to make the same.

Such was done in presence of such witnesses namely—

CAPTAIN DEINHARD,
Commanding H.I.G.M.S. Bismary;
And
MR. WEBER,
Imperial German Consul;
And
CAPTAIN CHUDEN,
Commanding H.I.G.M.S. Nautilus.

At Apia, on board H.I.G.M.S. Bismark, on this Fifteenth day of December, in the year One thousand eight hundred and seventy nine.

(L.S.) (Snd.) Ma (his x mark) tua.
" " Layea.
" " Masua.
" " Ta (his x mark) fua.
" " Alipia Galu.
" " Le Mamea.
" " Mea (his x mark) faifua.
" " Asi (his x mark) ata.
" " Leiataua Piliapo.
" " Samoa.
" " Lu (his x mark) tu.
" " Alapalelei.
" " Sa'u.
" " Tau (his x mark) pa'u.
" " Faa (his x mark) tuono.
" " Lau (his x mark) ati.
" " Asi (his x mark) ata.
" " Lana (his x mark) aia.
" " Tuiatafu.
" " Mataafa.
" " Saga le Auauna.
" " Ta (his x mark) efu.
" " Leasio.
" " Le (his x mark) eta.
" " Leaeno.

Witness—

(Signed) DEINHARD,
Corvetten Captain,
Commandant H.I.G.M.S. Bismark.
(Signed) TH. WEBER,
Imperial German Consul.
(Signed) CHUDEN,
Commandant H.I.G.M.S. Nautilus.

O lenei ua tusia o i suafa ma tutu ai fanmau faailoga e Alii ua tofia o o i lenei feagaiga.

Ua fai i luma o Malimau toatolu.

O KAPITENE DEINHARD,
O le Alii vaa o le Mamao Siamani o Bismarck.

Ma
MISI UEPA.
O le Alii Konesula, Siamani.

Ma
KAPITENE H. CHUDEN,
O le Alii vaa o le Mamao Siamani o Nautilus.

i Apia i luga o le Manua Siamani e igoa o Bismarck i lenei aso e sefulu ma le fitu o le masina o Tesema i le tausaga Tasi le afe-ma le valu sealu ma fitu sefulu-ma le iva—

(L.S.) (Snd.) Ma (lona x faailoga) fua.
" " Layea.
" " Masua.
" " Ta (lona x faailoga) fua.
" " Alipia Galu.
" " M. K. Le Mamea.
" " Mea (lona x faailoga) faifua.
" " Asi (lona x faailoga) ata.
" " Leiataua Piliopo.
" " Samoa.
" " Lu (lona x faailoga) tu.
" " Alapalelei.
" " Leaeno.
" " Saū.
" " Tau (lona x faailoga) pa'u.
" " Faa (lona x faailoga) tuono.
" " Lau (lona x faailoga) ati.
" " Asi (lona x faailoga) ata.
" " Lana (lona x faailoga) aia.
" " Tue'atafu.
" " Mataafa.
" " Saga le Auauna.
" " Ta (lona x faailoga) efu.
" " Leasio.
" " Le (lona x faailoga) ta.

MALIMAU,
(Signed) DEINHARD,
(Signed) TH. WEBER,
(Signed) CHUDEN,

131.

[TRANSLATION.]

Apia, 23rd December, 1879.

This day there assembled on board H.I.G.M.S. Bismark the herein after mentioned Samoan chiefs.

They were appointed by the provinces of Samoa according to Article III. of the treaty made also by Samoan chiefs on the 15th day of this month on board the German ship of war Bismark, and accordingly met this day to continue the deliberations of the 15th of this month, by deliberating now on those matters pointed out in Article III. of the treaty made on the 15th of this month.

For this purpose have been appointed

By Atua—Fagaloa and Fualaga.
By the Tamasaga—Tuiatafu and Mataafa.
By Aana—Le Mano and Saefu.
By Manoua—Taupa'u and Sa'u.
By the Huatane—Masoe and Utumapu.
By the Faasaleleaga—Lauati and Faatuona.
By the Itufafine—Asiata and Lagaaia.
By Tutuila—Leaona and Alapa.

who then agreed upon the following Articles:—

ARTICLE I.

Malietoa Talavou is hereby appointed king for lifetime.

Malietoa Laupepa is hereby made Regent, and will attend to the work of the king.

ARTICLE II.

All flags of Samoa, made hitherto, are hereby abolished, and a new flag is hereby adopted, to show thereby the unity of Samoa.

The flag is thus—

A red flag with a white cross, and also a white star, with five points; the star shall be put in the upper part next to the flagstaff.

The king shall have the right to choose his private flag, but that flag shall be no Government flag.

ARTICLE III.

Each province of Samoa shall appoint two Samoan chiefs, who shall be called Taimua.

The chiefs at present appointed by the provinces of Samoa to direct their attention to the present treaty agreement are now the Taimua, but they may be exchanged up the 21st January of the next year, by each province, for two other chiefs, if their respective province is of one mind in that respect.

The provinces of Itu-o-tane, Tuamasaga, and Atua, shall each appoint five Taipaule; the provinces of Ituafafine, Aana, Tutuila, and Faasaleleaga each four, and Manono three Faipule.

The Taimua shall be appointed for four years, and the Faipule for three years, beginning from the day of their first meeting at the seat of Government.

After the expiration of their term of office, each province shall again deliberate about their re-election or new election.

The deliberations of Taimoa and of the Faipule shall take place separately. In case the decision of the majority of the Taimoa should differ from the decision of the majority of the Faipule, then the king shall decide which decision shall be valid, or whether the deliberations on the matter in dispute shall be poseponed.

Ua potopoto faatasi i le aso nei i Apia i luga o le mamuao o lana Afioga o le Kaisa (Tupu Sili) o Siamani, e igoa o Bismarck, o Alii Samoa ta'u o latou suafa mulimuli ane i le tusi nei.

Ua tofia latou e Itu Malo o Samoa faatatau ma le mataupu o III. o le feagaiga na osia e Alii Samoa foi i le aso 15 o le masina nei i luga o le mamao Siamani o Bismarck. O le mea lea foi ua latou potopoto faatasi ai i le aso nei e toe faasaga i filifiliga ua amataina i le aso 15 o le masina nei. Latou te filifili i le aso nei i mataupu na faatoaa ina mai i-le mataupu III. o le feagaiga ua osia i le aso 15 o le masina nei.

Ua tofia.

E Atua—O Tagaloa ma Fuataga.
E le Tuamasaga—O Tuiatafu ma Mataafa.
E Aana—O Lemana ma Taefu.
E Manono—O Taupa'u ma Sa'u
E Itu-o-Tane—O Mosoe ma Utumapu.
E le Faasaleleaga—O Lauati ma Faatuono.
E le Itu-o-fafine—O Asiata ma Lagaaia.
E Tutuila—O Leaeno ma Alapa.

Latou te faia lea mea, ona latou lotogatasi lea i mataupu nei.

MATAUPU I.

Ua tofia nei o Malietoa Talavou ma Tupu o Samoa i lona ola. Ua faia nei o Malietoa Laupepa ma le Sui Tupu e faasaga e ia i le galuega faa tupu.

MATAUPU II.

Ua lafoaiina nei o fua Samoa uma ua faia i aso ua mavaeina, a ua faia nei o le fua fo'u e faailoatu ai ua faatasi Samoa uma. E faapea le fua: O le fua mumu ma le faaavean pupae ma le fetu paepae foi ma ona mata e lima; e tuu o le fetu i le itu i luga ua latalata i le la'au. E tuu faitalia foi i le Tupu o fai sana fua o loto iai, a o le fua lea e le se fua o le Malo.

MATAUPU III.

E tofia e taitasi Itu Malo taitoalua Alii Samoa, e ta'ua i latou o Alii Taimua. A o Alii ua tofia nei e Itu Malo o Samoa e faasaga i lenei feagaiga, o i latou nei o Alii Taimua, a e tatau ona fesuiai ni isi Alii toalua e taitasi Itu Malo pe a loto ga'asi ai o le latou Itu Malo, a e lei o'o atu i le aso e 20 Ianuali o le tausaga fo'u. E tofia foi e Itu Malo o Itu-o-tane ma le Tuamasaga ma Atua o latou Faipule se taitoalima, a o Itu-o-fafine ma Aana ma Tutuila ma le Faasaleleaga e taitoafa, a o Manono toatolu. E tofia o Alii Taimua i tausaga e fa, a o Alii Faipule i tausaga e tolu e amata talu mai le aso e fai ai e latou le potepotoga muamua i le alalafaga o le Malo. Pe a uma tausaga o latou tofiga ona toe filifili lea e taitasi Itu Malo pe faafoiina i latou pe tofia ni Alii fo'u. Ia ese le fale pulega o Taimua e faapea foi o Faipule; pe a ese le finagalo o le toatele o Taimua ma le finagalo o le toatele o Faipule ona pule lea o le Tupu pe tonu le finagalo o Taimua, pe tonu le finagalo o Faipula, pe tonu ona faatuai o le filifiliga i le mataupu ua latou loto eseese ai. Epotopoto mai o Taimua ma Faipule i le alalafaga o le Malo i tausaga uma a latou tofiga, e faasaga i latou filifiliga i Tulafono ma isi mataupu a e le mafai ona silia o masina e tulu latou te nonofo ai i tausaga i e taitasi i le alalafaga o le Malo ona latou toe foi atu lea i o latou lava itu Malo e nonofo nao o Alii Taimua tai toatasi o Itu Malo, e fesoasoani i le Tupu po o le Sui Tupu e tausia i tula-

The Taimua and Faipule shall assemble every year of their term of office, at the seat of Government, to attend to deliberations about laws and other matters, but they shall not remain at the seat of Government longer than three months every year, and they shall then return to their provinces—with the exception of one Taimua from each province, who shall remain to assist the King (Regent) in superintending the execution of the laws, and attending to different Government work in accordance with the laws. They shall also appoint one of their number as Taimua Sili (President).

The King or Regent shall sign all documents by which those laws are published which have been adopted in accordance with the above regulations, and also any other documents if in any accordance with laws that have been passed. But it is necessary that the Taimua Sili shall also add his signature, because he alone will be responsible in all Government matters, if there should be anything in such documents not according to law.

The Taimua who remain with the King (Regent) to superintend the execution of laws, and attend to other Government matters, shall also deliberate and agree with the Foreign Representatives in Samoa about all matters concerning foreigners, in accordance with the treaties made between Samoa and foreign nations.

They shall also consult with the Foreign Representatives in Samoa about measures whereby it will be possible to prohibit or regulate the sale and supply by foreigners to Samoans, and also to other people in Samoa, of intoxicating drinks, arms, and ammunition of war.

ARTICLE IV.

Each province of Samoa shall appoint its own Governor, but if a dispute should arise in this matter, then it shall be left to the Taimua and Faipule to appoint a Governor for the province disagreeing in opinion, and if the Taimua and Faipule cannot agree, then the King shall decide, whether the Governor desired by the Taimua or that one desired by the Faipule shall be appointed. The term of the Governor's office shall be two years and six months.

The Governor shall appoint, in his province, in accordance with law, the judges, police, scribes, and other officers, and he shall also superintend in his province the execution of the laws that have been published.

ARTICLE V.

The King or Regent shall inform all provinces of Samoa of the day in each year when the Taimua and Faipule shall assemble at the seat of Government, and commence their sittings, which shall not last longer than three months; then they shall return to their provinces, and only those Taimua's shall remain who are appointed to assist the King (Regent) according to Article III.

WINES, BEERS, AND LIQUORS

fono ma galuega esese o le Malo e tusa ma tulafono—latou te tofia foi o se tasi o i latou e faia o ia na Taimua Sili. E tuu ni e le Tupu poo le Sui Tupu o lona suafa i lusi uma o faasalalau ai o Tulafono ua faia e tusa ma faatonuga i luga o le mataupu, nei ma isi tusi foi e tusi ma tulafono e faia. A e tatau lava ona faaopoopo ai fai o le suafa o le Taimua, sili auā na o ia lava e taofia i mataupu o le Malo pe a iai se mea e tasi ua le tusa ma le tulafono. O Alii Taimua, o e a nonofo faatasi ma le tupu (Sui tupu) e tausi i tula fono ma isi mataupu, latou te filifili ma lotogatisi foi ma Alii tofia o Itu Malo tetele i Samoa nei i mataupu uma tau papalagi e tusa foi ma feagaiga ua uma ona osia e Samoa ma Itu Malo tetele. Latou te filifili foi faatasi ma Alii o Itu Malo tetele i Samoa nei i s auniga e mafai ai ona vaoia ma faatonuina ai le faatau ma le tuuina atu o papalagi i Alii ma tagata Samoa ma isi tagata esese foi o i Samoa nei o ava o'na papalagi ma aupega ma mea esese e aoga i taua.

MATAUPU IV.

E tofia e Itu Malo o Samoa o lotou lava Kovana—a e a tupu ni finauga i lenei mataupu ona tuuina atu lea i Taimua ma Faipule latou te tofiaina se Kovana i le i tu Malo ua fefinaua'i, a ea le maua se tonu a Taimua ma Faipule ona pule atu lea e le Tupu pe tonu le finagalo o Taimua ise Kovana po o Faipule. O tausaga o lona tofiga e lua ma masina e ono. E tofia e le Kovana i lona Itu Malo e tusa ma tulafono o faamasino ma leoleo ma failautasi atoa ma ni isi,—na te tausia foi ma faao'o atu i lona Itu Malo o Tulafono uma ua faasalalauina.

MATAUPU V.

E faasilasila atu e le Tupu po o le Sui Tupu, i Itu Malo uma o Samoa le aso i tausaga uma e potopoto mai ai Taimua ma Faipule i le alalafaga o le Malo e amata ai o latou filifiliga faa le Malo—a e le aulia tolu masina ona toe tu'ua atu lea i o latou Itu Malo, a e monofo nao Alii Taimua e Tofia o fesoasoani i le Tupu (Sui Tupu) pe i o le Mataupo III. O le tofiga o Taimua ma Faipule e filifili ma lotogatasi e fai tu fono pei o le mataupu e tolu a o le mafia ona faia toatasi e le Tupu ni tulafono—a o le tofiga lava o le Tupu ona tausi ma faao'o atu o tulafono ua faia pei o le Mataupu e III.

ARTICLE VI.

For the present the seat of Government is on Mulinuu. But of the chiefs appointed to make this present treaty, and who are now called Taimua, there shall now assemble at the seat of the Government, one Taimua from each province, and they shall assist the King, take care of the seat of Government, and consult with the Foreign Representatives.

The other Taimua chiefs then remaining, being one of each province, shall return to their own Province to deliberate, according to Article III., on the appointment of the Faipule, and on the exchange of any Taimua among themselves, and also among those Taimuas who remain on the seat of Government. Then all the chiefs appointed shall return to Mulinuu on the 20th January of the next year to commence their Governmental work.

They shall first deliberate on such matters remaining whereby the articles of the new Samoan constitution, as adopted by this agreement, will be more completed, and secondly they shall turn their attention to different laws to be agreed upon according to Article III.

ARTICLE VII.

Deliberations concerning Samoan property destroyed and plundered by the war parties of the last war, shall be postponed until the Taimua and Faipule will be assembled at Mulinuu.

Each province shall endeavour at once to take such measures as will enable that minority of the inhabitants of any such province having been left by them on account of the war, to return there in friendship.

If this is not possible, then it shall be postponed until the Taimua and Faipule are assembled in Mulinuu, and they shall then deliberate on it.

The Taimua chiefs, who now assemble in Mulinuu, are appointed to consult with the Foreign Representatives about foreign property destroyed, plundered, and damaged by the war parties of their war, and about all matters concerning any trespass upon the neutral ground.

The Foreign Representatives will appoint the day and place of meeting for their consultation.

ARTICLE VIII.

This agreement shall be valid from the day that the chiefs appointed have signed the same. This agreement shall be delivered into the hands of Captain Deinhard, who will transmit it, on a later day, into the hands of the Samoan Government for safe keeping, but Captain Deinhard shall have the right of getting a copy thereof, which shall be certified as a true copy by the King (Regent), and those Taimua now remaining at the seat of Goverment affixing their signature thereto.

This agreement has been signed and sealed by the chiefs appointed to make the same.

Done before three witnesses,

CAPTAIN DEINHARD,
Commanding H.I.G.M.S. Bismark;

And

MR. WEBER,
Imperial German Consul;

And

CAPTAIN CHUDEN,
Commanding H.I.G.M.S. Nautilus.

MATAUPU VI.

A o ona po nei o le alalafanga Malo o le Mulinuu. O Alii ua tofia e osia le feagaiga nei na ta'ua nei o Taimua—e potopoto mai nei lava i le alalafaga o le Malo o tai toatasi Taimua o Itu Malo, latou te fesoasoani i le tupu, latou te filifili foi ma Alii tofia o Itu Malo tetele. A o Alii Taimua nei ona totoe lea e taitoatasi o Itu Malo e toe foi atu o i latou i latou lava Itu Malo, latou te filifili ai, i ni Faipule e tofia-mai, ma ni Taimua e fesuiai ma latouna Taimua foi ua nonofo i le alalafanaga o le Malo pei o le Mataupo III. Ona toe potopoto faatasi mai lea i Mulinuu o Alii tofia uma i le aso 20 o Januali tausaga fou e amataai o latou galueg a faa le Malo i Mulinuu. Latou te faasaga muamua i filifili e mataupu ua totoe e faaatoatoa ai o mataupu o se faavae fou o Samoa na talia i le feagaiga nei, a o lona lua, latou te faasaga i tulufono eseese o le a finagalo faatasi ai o i latou pei o le Mataupu III.

MATAUPU VII.

E tau atu i tua filifiliga tau o mea a Samoa ua faasaunoaina ma vetea i lea taua e itu taua, sefe faitalia Taimua ma Faipule pe a potopoto faatasi i Mulinuu. E faasaga nei e taitasi Itu Malo i ni sauniga e mafai ai ona toe foi atu i le fea lofeni o tagata toalilili ua tete'a mai lo latou Itu Malo talu o le taua. A le mafai, ona tu'u lea, seia potopoto Taimua ma Faipule i Mulinuu, ona latou filifili ai lea. Ua tofia nei o Alii Taimua ma Faipule i Mulinuu, ona latou filifili ai lea. Ua tofia nei o Alii Taimua e potopoto mai nei i Mulinuu latou te filifili faatasi ua Alii tofia o itu Malo tetele mea a populugi ua faasaunoaina ma vetea ma fuaiagaina e itu taua i lea taua, ma i mea uma na soliu ai e itu taua i le lualelele se. E faasaina e Alii tofia o Itu Malo tetele, le aso ma le mea, e potopoto ai i le filifiliga.

MATAUPU VIII.

E mau lenei feagaiga amata i le aso o lo'o tusiga ai o latou suafa e Alii ua tofia nei. E tuuina atu nei o lenei tusi o le feagaiga i lima o Kapitene Deinhard ia e toe tauina ane o ia se taeao ane i i lima o le Malo o Samoa, latou te tausi ai a e latou lava ona mea uma atu o Kapitene Deinhard e faamaonia ai o latou suafa e le Tupu (ua Tupu) ma Alii Taimua e nonofo nei i le alalafaga o le Malo ina ia faailoaina ai na o mea uma atu. O lenei ua tusia ai suafa ma tusi ai faamaonia feagaiga e Alii ua tofia e osi lenei feagaiga.

Ua faia i luma o Molimau toatolu.

KAPITENE DEINHARD,
O le Alii vaa o le Manuao Siamani o Bismark.

Ma

MISA UELA,
O le Alii Konesula Siamani.

Ma

KAPITENE H. CHUDEN,
O le Alii vaa o le Manuao Siamani o Nautilus.

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at Apia, on board H.I.G.M.S. Bismark, on this Twenty-third day of the month of December, in the year One thousand eight hundred and seventy nine.

(L.S.) (Snd.) Tagaloa.
" " Fua (his x mark) taga.
" " Tuiatafu.
" " Mataafā.
" " Lemana.
" " Tag (his x mark) fu.
" " Ma (his x mark) soe.
" " Usumapu.
" " Lan (his x mark) ati.
" " Fan (his x mark) tuono
" " Asi (his x mark) ata
" " Laga (his x mark) aia
" " Tau (his x mark) pa'u
" " Sa'u
" " Leaena
" " Alapalelei.

Witnesses—

(Signed) DEINHARD,
Corvetten Capitain, Commandant
S.M.S. Bismarck.

(Signed) TH. WEBER,
Imperial German Consul.

(Signed) CHUDEN,
Corvettan Captain, Commandant
S.M.S. Bismark.

i Apia i luga o le Mānuao Siamani o igoa o Bismarck i lenei aso e lua sefulu ma le tolu o le masina o Tesema i le tausaga Tasi le afe ma le valu selau ma fitu sefulu ma le iva—

(L.S.) (S.D.) Tagaloa.
" " Fua (lona x faailoga) taga.
" " Tuiatafu.
" " Mataafa.
" " Lemana.
" " Ta (lona x faailoga) ofu.
" " Ma (lona x faailoga) soe.
" " Utumapu.
" " Lan (lona x faailoga) uti
" " Fau (lona x faailoga) tuono.
" " As (lona x faailoga) iata.
" " La (lona x faailoga) guaiu.
" " Tau (lona x faailoga) pa'u.
" " Sau.
" " Leaeno.
" " Alapalelei.

(Signed) DEINHARD,
Corvetten Capitain, Commandant
S.M.S. Bismarck.

(Signed) TH. WEBER,
Imperial German Consul.

(Signed) CHUDEN,
Corvettan Captain, Commandant
S.M.S. Nautilus.

3

An Agreement made between the King and Government of Samoa and the Foreign Consuls in Samoa.

Whereas the King and Government of Samoa did on the 31st day of August 1879 address a letter to the three Governments of the United States of America, Germany, and Great Britain, requesting them to take some concerted action for the preservation of peace and good order in Samoa and for the protection of the King and Government thereof; and,

Whereas on the 15th day of December 1879 the civil war in Samoa was terminated in a treaty of peace between the representatives of the opposing forces; and,

Whereas on the 20th day of December 1879 on board H.I.G.M. ship "Bismarck," a permanent agreement was entered into by the representatives of both parties electing and recognizing Malietoa Talavou King for life; and,

Whereas on the 12th day of January 1880 the Imperial German Government sent instructions to the Imperial German Consul General in Samoa that the Governments of England and America had accepted the proposals of the German Government, and ordering him to recognize, and enter into an agreement with his colleagues for the protection of Malietoa and his Government by the three powers already named in this preamble; and

Whereas on the 14th day of January 1880 the English Government ordered H.B.M. ship "Danae" to Samoa with instructions to Captain Purvis, commanding, to recognize Malietoa and protect his Government in conjunction with the naval forces of Germany, and America, and

Whereas the present King and Government of Samoa earnestly desire that this arrangement may be consummated as speedily as possible, for the greater security of life and property within the kingdom, and for the utmost prosperity of the Samoan Islands. Therefore the King, Malietoa Talavou, and the Government of Samoa, the Taimua and Faipule, and Captain Zembsch, Imperial German Consul General, on behalf of the German Government, and Thomas M. Dawson, United States Consul, on behalf of the Government of the United States of America, and J. Hicks Graves, Her Britannic Majesty's Consul, on behalf of the United Kingdom of Great Britain and Ireland, &c., have agreed upon and concluded the following four articles to take effect immediately, and to continue in force till ratified, modified, or rejected by the three Protecting Powers.

Article I.

The present king, Malietoa Talavou, shall be supported as the head of the Samoan Government during his lifetime, and his successor shall be agreed upon by the three Protecting Powers.

Article II.

There shall be an Executive Council for the King and Government of Samoa consisting of a citizen of the United States of America, a German and a British subject, and they shall hold the offices respectively of Minister of Justice, Minister of Finance, and Minister of Public Works.

Article III.

The members of the Executive Council shall be nominated from among the residents of Samoa by the Consuls of their respective nations resident at Apia, and they shall hold office from the date of their nomination, which must subsequently be confirmed by the home Governments.

Article IV.

The members of the Executive Council shall hold office till their successors are nominated by the Consuls, and they shall receive such salaries as may be agreed upon between the Government of Samoa and the Consular Representatives of the three Protecting Powers.

In witness whereof we have signed the same and affixed thereto our seals.

Done at Apia this twenty fourth day of March in the year of our Lord one thousand eight hundred and eighty.

Zembsch (L.S.)
Thomas M. Dawson (L.S.)
J. Hicks Graves (L.S.)

O le Feagaiga ua faia e le Tupu ma le Malo o Samoa ma Konesula Papalagi oi Samoa

Faauta mai, na tusia e le Tupu ma le Malo o Samoa i le aso 31 o Aokuso 1879 o le tusi i Malo totelo e tolu o le malo o le Unaite Setete o Amerika, ma le malo o Siamani, ma le malo o Peretania Tele, e fai atu ai ia te i latou, o ai faatasi se togafiti, ma le faitumauina ai le filemu, ma le nofo lelei o Samoa, ma le faamamaluina ai le Tupu ma le Malo o Samoa; e faauta foi, o le aso e 15 o Tesema 1879 sa faiuina ai le taua o Samoa i le feagaiga e nofo filemu ai, na osia e alii tofia o itu taua e lua;

I le ma le tasi mea i le aso e 23 o Tesema 1879 na faia i luga o le manuao o Iaua afioga le Tupu Sili o Siamani, na igoa ia "Bismarck" o le feagaiga tumau, na osia lava e ani tofia o itu taua e lua na le soifua ma talia o le [illegible]

[illegible] na fua ma ai le malo o Siamani [illegible] le Konesula Sili o Siamani [illegible] o Peretania ma Amerika na tofia o lona aoga mamalu i ai le malo Siamani, na poloaiga toi iai ia e filifili ma ona uso o Konesula, latou te osia faatasi ai se feagaiga ina ia faamamaluina ai o Malietoa ma lona malo, o malo uma e tolu na taua i lenei tusi;

Faauta foi i le tasi mea, o le aso e 14 o Ianuari 1880 na tuuina mai e le malo o Peretania le manuao e igoa ia "Danae," o Iaua Afioga le Tupu Tamaitai o Peretania, na poloaiina foi Kapeteni Purvis e ana o pulo i lea vaa, e faailogaina ia Malietoa ma faamamalu i lona malo, faatasi ma le ana manuao, Siamani, ma Amerika;

Faauta foi, ua matua finagalo lava le Tupu ma le malo o Samoa, ina ia vave ona faatinoina o lenei filifiliga ina ia mamalu ai lava o le soifua o tagata, ma olo ma uma ese ese o e ia i lenei malo, atoa ma le manuia o le atunuu uma o Samoa;

O lenei, ua finagalo faatasi le Tupu o Malietoa Talavou, ma le malo o Samoa, o Taimua ma Faipule; ma Kapeteni Zembsch le Konesula Sili, le sui o le malo o Siamani, ma Thomas M. Dawson, le sui o le malo o le Unaite Setete o Amerika, ma J. Hicks Graves o le Konesula o Iaua Afioga le Tupu o Peretania, e fai foi o ia ma sui o le malo sosoo o Peretania Tele [illegible] Alaimu &c, ua finagalo faatasi i latou ma faamauina o mataupu e fa, a ta'u atu nei, o le a faataunuuina nei lava ma tumau lava, seia oo ina faatumauina, po liua, po faatea'esea e malo Faamamalu e tolu.

Mataupu I.

O lenei Tupu o Malietoa Talavou, e faamamaluina o ia, pe seni o le ao lava ia o le malo o Samoa i ona po uma o lona soifua, a o lona sui (e nofoaiga, e filifili faatasi i lea mea Malo Faamamalu e tolu.

Mataupu II.

E iloga isi alii e fesoasoani ai i le Tupu ma le malo o Samoa. O le Alii Unaite Setete, e le tasi lea, ma le Alii Siamani, ma le Alii Peretania, o i latou ia e toatolu. E tofia le tasi o faimalaga i Talafono ma Faamasinoga. E faasaga le tasi i tupe, e totogi ai mea fai le malo. E faasaga le tasi i galuaega ese ese a le Malo i ala ma fafo &c.

Mataupu III.

O Alii tofia ia, e filifilia latou e Konesula, ai Alii o nau i Samoa, o ta'itasi le Konesula ma tofi le alii e toatasi o lona itu malo e nau i Apia. E amata foi ona latou faia o latou tofi i le aso na filifilia ai, a o maliu ai ona faamauina o latou tofi o Alii o Malo Totelo.

Mataupu IV.

E tumau Alii tofia ia i o latou tofia seia filifilia e Konesula o latou sui. E avatu foi ia te i latou se totogi e tusa ma se filifiliga e faia e lea mea e le Malo o Samoa, ma Konesula Malo Faamamalu e tolu.

Silasila o le faamaoni o lenei mea, ua tusia ai o matou igoa ma tuuina ai o matou faailoga.

Ua faia i Apia i lenei aso e Iuafalu ma le fa o Mati, o le tausaga o lo tatou Alii, e tasi le afe ma le valu o selau ma le valunafulu

O au o Malietoa Talavou.

Malietoa Laupepe.

O au o Mataafa.

A.O.

36 RR

not located

INCLOSURE B,8

203

AGREEMENT. A.O.

The following are the articles of agreement concluded on board the U.S.S.Lackawanna on Tuesday, 12th inst.-

1. On this day assembled on board the U.S.S.Lackawanna, in this harbour, the Samoan chiefs whose names are hereto signed. They are all true representatives of the war party of Malietoa and of the war party of Tupua, and concerning this matter this is their determination that permanent peace and friendship is hereby established throughout Samoa beginning from this day.

2. All the war parties scattered throughout these islands shall each return to their respective homes.

3. Malietoa Laupepa is hereby made and appointed King.

4. Tupua Tamasese is hereby made and appointed Vice-King, and the length of their reign shall be left to the determination of the Government.

5. Nothing in this agreement shall interfere with any former treaty made by the Government of Samoa with Foreign Powers.

In witness whereof we have set our hands and seals this 12th day of July, 1881.

~~(Sd.)~~ Lauati.

Tuiatafu.

Utimapu.

Leistauelesa.

Lagaia.
Asista.
Mauga.
Moeona.

~~(Sd.)~~ G.Alipia

Tafua.

Su.

Letufuga.

Tuisalega.
Tuitele
Faite
Moefaano.

12 chiefs

double cd

204

We, the undersigned, are witnesses to the foregoing Agreement and the signatures thereto, this 12th day of July, 1881.

J.H.Gillis, U.S.N.
Commanding U.S.S.Lackawanna.

Thomas M.Dawson,
United States Consul.

J.Hicks Graves,
H.B.M.Consul.

G.Von Oertzen,
Acting German Consul.

not to be central

INCLOSURE C.

From the Samoa Times, Nov. 16. 1878.

205

There are judges and judges, but for an upright independent judge, who does his duty without fear or favour, commend me to the Samoa native magistrate Finai, alias Moses Roberts, alias McLeod, alias Saga. In the case of a Chinaman versus five natives, for assault, heard before Finai and Leutele, native magistrates heard at the British Consulate on the 8th instant, Judge Finai after hearing all the evidence addressed the prisoners thus: "I am afraid to sentence you as you deserve, for you will get your relatives to punish me. I am afraid you will cause me to feel in person your annoyance." Then, to one of the prisoners, who, by the way, recently received three dozen lashes by order of H. B. M. Consul for insulting British subjects, he remarked: Your father is a bigger man than I, therefore I dare not

not order you what you deserve." Then to the prisoners collectively: "Still one thing I say, do as you will, I belong to the Government. I am a magistrate and must sentence you to something; Tua, Peni, Toeu and Gugu will pay $15 each, and Maougu $5. Is not this a Daniel come to judgment.

D1

[INCLOSURE D.1] Mail to enclosure

Copy

Mulinuú, 5th November 1884.

206

To Her Majesty Queen Victoria
Queen of Great Britain and Ireland

Your Majesty

We are the King and chiefs of Samoa who write to your Majesty to pray and entreat you to receive our request.

It is now nearly a year ago since our King wrote to give over to your Majesty the Sovereignty of Samoa.

We have been very anxious while awaiting for an answer but no answer has been received.

Your Majesty: great is our regard for your Government, for we know well our people will be protected and we shall have peace under your rule.

Therefore we entreat your Majesty that our anxiety may be relieved - which arise from our earnest desire that Samoa may be given over to your Government. It is entirely at the disposal of your Majesty as to whether it is better for us to become an English Colony or be connected with the Government of New Zealand.

Your Majesty, our hearts are grieved and our fear is very great indeed with regard to other Governments who desire to take possession of our Government, which is not according to our wish. Therefore we entreat your Majesty that you will speedily come to our assistance in order that you may save us according to the sentiment expressed in our request.

We wish to make clear to your Majesty-

208

We the King and chiefs of Samoa give over our islands to the Sovereignty of the Government of England. We rely on the Government of your Majesty to protect our people.

We hope and pray to God that your Majesty and your Government may in proper

Signed by the King Vice King and 40 chiefs —

D. 2.

INCLOSURE D. 2. in [illegible] centre

~~Copy of Translation~~

209

Mulinuu, 12th November, 1884.

~~To~~ Her Majesty,

The Queen of Great Britain and Ireland.

Your Majesty:

This is to make known to Your Majesty that the King of Samoa and the Chiefs of these islands have sent a petition to Your Majesty praying that you would set up your Government in Samoa.

We have sent that petition to the Governor of New Zealand and have brought him to send it by means of telegram to Your Majesty and make known to Your Majesty that he has received our petition.

We have informed your Majesty that painful anxiety has taken possession of our minds because we are much afraid of Germany lest she should take our islands against our will.

Your Majesty, we are in distress on account of the government of Germany lest they should take our islands.

Therefore we have accepted another treaty with Germany.

I wish to make clear to Your Majesty in consequence that I have accepted the treaty against my will, likewise against the will of my government,

but

but I have accepted it on account of my fear, for I have thought that if your government should be set up in these islands, then that treaty will be of no effect.

I have entreated the English Consul here to make clear to Your Majesty all the reasons of our fear which have led us to accept this treaty and to make clear to Your Majesty the meaning of that treaty and to inform Your Majesty of the great regard of myself and government of Your Majesty and the Government of England and our great desire to give our islands to the government of your Majesty.

I respect extremely the Government of Your Majesty and I trust that speedily you will receive favorably our petition.

I am,

(Sgd.) Malietoa.

King of Samoa.

31

[INCLOSURE D.3. ~~Copy~~ Translation.]

D 3

210

Mulinuu, 12th November, 1884.

W. B. Churchward, Esq.,
Acting British Consul.

Sir,

I wish to inform your Excellency that I have now written to Her Majesty the Queen of Great Britain and made known to Her Majesty our petition which has been communicated to the Governor of New Zealand. It is mentioned also in the letter.

I have begged your Excellency that you would explain to Her Majesty everything that gave rise to my receiving the agreement which was made last night with Germany.

I and my government having been much distressed lest our group of islands should be taken by Germany.

I wrote yesterday to the German Consul to give me a copy of the agreement with me and my government, but the German Consul replied that he could not give one and my government a copy: then the whole government met together and deliberated what was right to do and it ended in our rejecting the agreement and it was not received. Notwithstanding that, our distress still continued.

It was getting near the hour of night which

was

was fixed to hold the meeting and I walked into the road when Tupua Tamasese came down. He spoke to me with distress and told me that some bad story.

I and Tamasese bearing in mind the agreement, were very anxious and I said, "Let us both go down and "review the agreement in order that we may be at peace "today and let us wait for the decisions of Great Britain."

I beg your Excellency to make known to his Majesty the great love of me and my Government for Great Britain and that our strong desire to give up our grants of islands to the government of Great Britain.

I hope in Her Majesty.

Do not bear in mind this agreement with Germany. I am determined when the government of Her Majesty is in these islands, then that agreement shall end. Let not your Excellency be offended, but do you make these things clear to Her Majesty the Queen of Great Britain and do you send this letter by the steamer at Tutuila.

(~~sgd~~) Malietoa.
King of Samoa.

13

089

37 RR

D 4

INCLOSURE D.4

211

Mulinuu, December 1st 1884.

J. Carsing, Esq.

H.B. Consul, Apia.

Sir,

I write to make known to you the distress of myself and the government of Samoa. I am sending, Sir, to you a copy of the letter of myself and the government of Samoa to her Majesty the Queen of England praying her Majesty to join on her dominion to these islands of Samoa: Also copies of other letters to his Excellency the Governor of New Zealand.

I write therefore to make clear to you the reason which caused me to accept the treaty which was made last month between my Government and the Government of Germany. It was on account of my fear that if I did not accept that treaty, these islands would be evidently decided by the Government of Germany.

Therefore I and my government accepted that treaty

treaty against our will. There was also another thing which was not right done by the German Consul. He refused to give us a copy of that treaty, that we might first examine it and fully consider all the articles contained in that treaty: there was no proper deliberation held on that treaty. It was obtained, indeed, compulsorily from our Government.

Sir, the painful anxiety of myself and my government is great lest the German Consul should want to hinder us by means of threatenings which have come to us in regard to our petition to the Queen of England; and cause difficulties to arise between us and the God of Germany. Therefor, I respectfully beseech you to aid us and clearly explain to the government of the United States all the things which have been done in Samoa by the government of Germany; also the grounds of our fear, and entreat the Government of the United States not

to

D.4.h.3.

212

to agree with the government of Germany in this matter and not regard that treaty to our detriment.

I respectfully thank you for your letter together with the letter of the English Consul to the German Consul concerning the report of Leiataua.

I have rejoiced greatly in this matter.

I likewise respectfully thank you for your Kind treatment of myself and my government in days gone by, or even to the present day.

Since your were appointed to Samoa, there has been from you no unkind word.

May you live, Sir.

I am (sd) Malietoa the King,

Your Friend.

3

Translation.] [INCLOSURE D.5 in

D, 5,

1c. Samoan Annexation Act. 213

The title of this Act shall be "An Annexation of the Samoan Group, known as the Navigators' Group."

(1st. That the Samoan Parliament, in Parliament assembled and by the advice and consent of King Malietoa and his Advisers, annexes the Samoan Group to the Colonies of New-Zealand for the better government of the Samoan people and the foreign inhabitants of the same.

(2d That a deputation be appointed by the King and his Advisers to go to New-Zealand and confer with the Government of that Colony, and to have full power to sign and seal all necessary documents and papers to give effect to the annexation of these Islands to that Colony, and to have the powers of the King and Samoan Parliament for that purpose.

(3d That all the rights and liberties of British subjects be granted to the Samoan people, as the same is granted to the aboriginals of New-Zealand, such

as has been granted to them by the Treaty of Waitangi. 214

(4)th That Sir George Grey, K.C.B., being the originator of the Pacific Islands and Annexation Bill of 1883, which was passed by the New-Zealand Parliament, and John Lundon, who first introduced annexation to the Samoan government in the Samoan Parliament in June, 1883, be agents to act with and advise the deputation and the New-Zealand Government with the view of giving effect to this Bill, and for advising and framing rules for the better government of the Samoan people and islands, and have the same powers as the deputation of Samoan delegates has.

(5)th That all the preliminary expenses to be paid out of an authorized* expenditure, pending a vote of the New Zealand Parliament, for the purpose of giving immediate effect of the annexation of these our Islands to New-Zealand, as the Samoan Government has no

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* Query: "Unauthorized".

215

funds or revenue of its own.

6th That this Bill shall take effect from the date of King Malietoa's signature and seal, and give effect to the annexation of the Samoan Islands, in accordance with the Annexation Bill passed in 1883 by the New-Zealand Parliament, or to any bill that may be necessary to pass by the New-Zealand Parliament to give effect to this bill and annexation, and for the better government of the Samoan Islands and of the Samoan people.

Signed and sealed in the presence of my Advisers, this ninth (9th) day of February, 1885.

(sgd) Selu.

Secretary and Clerk to the Upper and Lower Houses of Parlt.

(sgd) Lauati (his X mark)

Speaker of the Samoan Parliament.

(sgd) Malietoa,

King of Samoa.

Jan. 23/85. Translation] Duplicate 106

E, 1

Let all the people of Samoa observe -
During the long period that Malietoa
has been King the Government of
Germany has been treated with un-
kindness and injury and all agreements
that have been made between the Gov-
ernments of Germany and Samoa
have been repeatedly violated. For
that reason I must now make arrange-
ments necessary for the protection of
the subjects of my Government and
their possessions. This is my view of
that which is necessary to be done -
that I should take possession of the
lands of the village and district of
Apia in which are included -
Mulinuu and the harbor of Apia
to hold possession under the supreme

control (that was under the Government of Malietoa) for the Government of Germany. This is the sign of this — I have hoisted the flag of his Imperial German Majesty as a Mulinuu. This is the meaning of it (the hoisting of the flag) - that only the Government of Germany will rule for the present over that portion of territory.

Samoans! I tell you now plainly that it is only the territory that is called the Municipality that is taken possession of, but no other portion of land in Samoa is taken possession of.

It is good too that you should be well acquainted with the reason of that which is done. It is no mistake

218

ness at all to Samoa. The German Government only wish for Samoa to have a strong Government that shall maintain cordial relations with the Government of Germany. When a peaceful solution of these difficulties is effected, the lands now taken in possession of will be given up again.

I beseech you to be at peace and to have confidence in the Government of Germany and myself, then Samoa will indeed be prosperous.

I am

(signed) Dr. Stuebel

Imperial German Consul

Apia, January 23rd, 1883.

31

96

Prof Lecanter

INCLOSURE E.I. 1/m

26

(Fiat 38 RR)

[INCLOSURE E.2.]

E. 2

Apia 23 January 1886

219

To His Majesty King Malietoa

On the 6th of November of last year Your Highness and your Government appeared before the German Consulate to humble themselves

You acknowledged thereby that you had for a long time disregarded German Treaty rights

Already on the 4th of November Your Highness wrote to me that the prisoners who in February last year escaped in consequence of the order of Your Government out of the German prison would be brought back Subsequently I made an agreement with Your Highness' Government I supposed that difficulties which arose formerly would be removed thereby Your Highness' Government however renewed the old inimical attitude towards Germany Not all the prisoners were brought back and those who were escaped again soon after and Your Highness' Government did not think of taking the trouble to return the prisoners In a letter which Your Highness wrote to me on the 20th November you say that it is generally known that Samoa was to be taken by force by the German Government

Since then the followers of Your Highness have not ceased to malign Germany.

Seumanu and Lauati have repeatedly in meetings designated Germany as a robber land, as a country of slavery, and as a country without religion Under these circumstances it was impossible to fulfil the articles of the agreement of the 10th November

Germany can no longer look upon this state of affairs with equanimity and I as representative of the Imperial German Government in Samoa had to concert measures which were likely to secure the rights and interests of German subjects in Samoa (78)

For this purpose I shall in the name of the Imperial German Government and subject to the approval of the same take possession ~~of~~ as security of all the land which now constitutes all the Municipality of Apia as far as Your Highness' and Your Governments Sovereign rights are concerned and the Imperial Government will so long assume these sovereign rights until an understanding has been successfully arrived at with the Government of Samoa which will make German interests secure in Samoa and will make difficulties such as heretofore have arisen impossible in future

As a public manifestation of this taking possession there will be landed in Mulinuu this morning at 9 o'clock a detachment of Imperial Officers and seamen and the Imperial flag will be hoisted there

At the same time I give Your Highness the assurance that no hostile action towards Samoa is connected therewith No one will be molested and no house or property of Samoans will be injured I expect however that the Samoans themselves will commit no hostile action Only misfortune would be the result to Your Highness and Samoa ~ May it prosper with

Your Highness Stuebel

3,

E.3

~~Copy~~ Translation] INCLOSURE E.3. [non-locative

Mulinuu
20 November 1884

~~To~~ His Excellency the
German Consul General

220

Sir

I have received your letter respecting the report which your Excellency has heard that I and the Government of Samoa have written to Her Majesty the Queen of Great Britain in order that Samoa may be joined to Her Government

To this I reply to your Excellency that it is very true that we have thus written and also that we will hold firmly to that desire And I also inform your Excellency that the report that Germany was about to seize our country was widely spread (general)

And another matter I complain to your Excellency that it was very wrong of Mr Weber to threaten some of the Chiefs of the Government in order that our petition to the Queen of Great Britain for that purpose should be withdrawn - Morris also came - And that if a letter was not sent (to that effect) then would come great trouble to our Government

I beg your Excellency to forbid Mr Weber so that he shall desist from again doing anything of the kind

May you live

I am

Malietoa
King of Samoa

Note
Mr Weber is the Manager of the German Company and the German Consuls chief adviser

Morris is Mr Weber's messenger

Clothworthy
221 to 227

B.

Jal. 38 R.R

Robinson

INCLOSURE E. 4.

221

German/s.

Apia den 7. Oktober 1884.

An König Malietoa

Hochgeehrter!

Im vergangenen Jahre wurde mit Ihrer Hoheit eine Vereinbarung getroffen, wonach die Gefangenen unserer deutsch-samoanischen Prozesse ihre Strafzeit in dem deutschen Gefängniss auf dem Lande des Herrn Weber abbüssen sollen.

Die samoanische Regierung hatte damals kein Gefängniss. Da alle Gefangenen wegen Diebstahls auf deutschen Plantagen arbeiten mussten, so war es billig, dass die Besitzer dieser Plantagen durch die Arbeit der Gefangenen entschädigt wurden. Die Aufsicht über die Gefangenen stand der samoanischen Regierung und dem deutschen Konsul zu.

Zu Anfang des Jahres war es aber nöthig geworden, mehr als

English/s.

Apia the 7th of October 1884.

To King Malietoa

To Your Highness!

In the last year an agreement was made between your Highness and myself to the effect, that in German - Samoan trials the persons condemned should serve out their time of imprisonment in the German prison on the land of Mr. Weber.

At that time the Samoan Govt. had no prison. As all prisoners were condemned for thefts committed on German plantations, it was thought just and reasonable that the owners of those plantations should get some amends for their stolen property by the work of the prisoners. The control over the prisoners was especially reserved to the Samoan Govt in conjunction with the German Consul.

At the beginning of the year it became again necessary, to put in

zwanzig Samoaner wegen Diebstahls auf den deutschen Pflanzungen zu Haftstrafen verurtheilen. Das Urtheil war gemeinschaftlich durch den deutschen Konsul und den Samoa Richter gefällt worden. Es war dabei ausdrücklich ausgesprochen worden, dass die Strafe auf dem Lande der deutschen Haftanstalt abgebüsst werden sollte. Bald darauf ist von der Samoa-Regierung ein Gefängniss errichtet worden und der König hat in einem Brief an den deutschen Vice-Konsul geschrieben, worin er denselben mittheilt, dass er der Ansicht sei, die Gefangenen seien aus dem deutschen Gefängniss nach dem neuen Gefängniss in Mulinuu zu bringen. Der Brief ist vom 9. Februar datirt. Der deutsche Vice-Konsul hat ihn erst am 11 Februar erhalten, am Morgen dieses Tages aber sind bereits die gefangenen aus dem deutschen Gefängniss entflohen. Der deutsche Vice Konsul schrieb noch an demselben Tage an den König,

prison more than twenty Samoans for thefts, committed on German plantations. In the judgement given by the German Vice-Consul and the Samoan judge, sitting together, there was especially provided that the punishment of the said prisoners should be served out in the prison on the land of Mr. Weber

Shortly afterwards a prison had been erected by the Samoan Govt in Mulinuu, and the King wrote a letter to the German Vice-Consul in which he expressed an opinion that the prisoners should be brought over from the German prison into the new prison in Mulinuu. This letter is dated the 9th of February. The German Vice-Consul has however received the same only on the 11th ejusd. and on the morning of this very day all prisoners had escaped out of the German prison. The German Vice-Consul wrote on the same day to the King, that if the

daß man, die Regierung nun — Government should wish for an al-
Abänderung in der Unterbringung teration in the keeping of the pri-
der Gefangenen wünsche, er bereit soners he would be quite willing
sei, mit derselben darüber zu to discuss about that matter
sprechen, die entflohenen Gefange- with the former, but the escaped
nen müßten sofort zurückgebracht prisoners should be brought
werden. — back at once. —

Darauf fand am 12 Februar ein Thereupon a meeting of the King
Zusammenkunft des Königs, Lau- Lauati, Leota and Leiataua with
atis Leota's und Leiataua's mit the German Vice-Consul took
dem Deutschen Vice-Konsul statt- place on the 12. February 1884,
gefunden, in welcher der Deutsche in which the latter made the
Konsul dasselbe Verlangen gestellt same demand. In spite of that
hat. Trotzdem schreibt der König the King wrote on the 18th of
an den Deutschen Vice-Konsul am February to the German Vice-
der 18 Februar, daß die Ge- Consul, that the prisoners had been
fangenen ins Malietoa gebracht brought back to Mulinuu and
und dort in das Gefängniß gesetzt put in the prison there, in order
worden seien, um ihre Strafe abzu- to serve out their punish-
büßen. ment. —

Der Deutsche Vice-Konsul hat diesen The German Vice Consul on the
Brief am 22 Februar beantwortet 22nd of February sent an answer
und dem Könige geschrieben, daß er to the King, to say, that he pro-
gegen die Maßregel protestire, die tested against this procedure, the
selbe sei gegen die Verhandlung same being in contradiction with
vom 12ten Februar, gegen die what had been stated at the mee-
Übereinkunft zwischen dem König ting of the 12th of February, further

und den deutschen Konsul, gegen die Gefängnisentscheidungen, welche klar und deutlich anordnen, daß die Schuldigen ihre Strafe in dem deutschen Gefängnis abzubüßen haben und gegen den Freundschaftsvertrag zwischen Deutschland und Samoa.

against an agreement entered into between the King and the German consul, against the sentences of the court, which most clearly and plainly provide, that the prisoners should serve their punishment in the German prison and finaley against the treaty of friendship between Germany and Samoa.

Dasselbe sagt der deutsche Vize-Konsul Moliõo Lauati Tuiaia und Leiataua Tana in einer Zusammenkunft am 23 Februar. Er sagt ihnen, daß die Gefangenen bedingungslos zurückgebracht werden, und dann wird beraten werden können, was in Zukunft geschehen soll, wie es Artikel VII des Vertrages anordnet.

The German Vice-consul told the same to Moliõo, Lauati, Tuiaia and Leiataua Tana in a meeting on the 23rd of February. He told those chiefs, the prisoners should unconditionally be brought back and that then afterwards the question might be discussed, as to what should be done in the future, as is provided in Art. VII of the treaty.

Er sagt ihnen, daß sie den in Artikel II des Vertrags zugesagten Schutz für die Person und das Eigenthum der in Samoa lebenden Deutschen nicht zu gewähren in Stande seien, wie der Fall des Lasei zeige, welcher trotzdem wegen Mordes einer Deutschen auf einer deutschen

He told them, that they not have been able to grant the protection guaranted by art. II of the said treaty to the persons and the property of Germans living in Samoa, that this had been proved in the case of Lasei who, although condemned to death for murdering

Pflanzung zum Tode verurteilt
dann zu 10 Jahren Gefängnis be-
gnadigt worden sei und das frei
herumgehe.

Trotzdem schreibt der König an
den Vize-Konsul am 25 Februar
das die Gefangenen nicht zurück
gebracht werden werden.

Wieder schreibt der Vize-Konsul
an den König am 27 Februar
das damit der Vertrag verletzt
werde und das er die Regie-
rung dafür verantwortlich halten
werde.

Dann kommt es auf den Befehl
des Königs am 18 März zu einer
Zusammenkunft des Königs und
einer Deputation der Tainna und
Faipule bestehend aus Moloo,
Asiata, Lauati, Manala und
Manoo mit dem deutschen Vize-
Konsul.

Dabei bitten die genannten
Tainna und Faipule wegen ihres
Benehmens und Vorgehens in der Ge-
fangenen-Angelegenheit um Ver-
zeihung, sie hätten nicht, das sie
Unrecht getan, sie dachten nicht

a labourer on a German planta-
tion, had afterwards been pardoned
to ten years of imprisonment, but
was still allowed to walk freely about.
Notwithstanding all this the King
writes to the German Vice-consul
on the 25th of February, that the
prisoners would not be brought
back. Once more the German
Vice-consul writes to the King
on the 27th of February that this
would involve a violation of the
treaty and that he would hold
the Govt responsible for the same.

Thereupon at the desire of the King
a meeting takes place on the 18th
of March between the King and
a deputation of the Tainna and
Faipule consisting of Moloo, Asi-
ati, Lauati and Manoo on one
part and the German Vice con-
sul on the other part.

The aforesaid Tainna and Faipu-
le then and there begged to be
forgiven for the way ~~they~~ in which
they had acted and proceeded in
the matter of the prisoners in
question, they stated at the same

daran, sich gegen Deutschland und
den Vertrag aufzulehnen sie kämen
um sich mit dem Vice-Konsul zu
vertragen. Der Deutsche Vice-Konsul
antwortet ihnen, Sie würden mög-
lich sei, wenn sie die Gefangenen
in das Deutsche Gefängnis zurück-
brächten, oder $ 50 für jeden gefan-
genen, zusammen $ 1200, über de-
ren Verwendung der Deutsche Kon-
sul bezw. die Deutsche Regierung
und der König Malietoa zu be-
stimmen haben würden und
wenn sie sich pressliches Abkom-
men mit der deutschen Regie-
rung träfen in Gemässheit von
Art. VII des Vertrages, wodurch der-
artige Konflikte in Zukunft ver-
möglich gemacht würden

time, that they now saw that
they were in the wrong, they
had no intention to act against
Germany and the treaty, they
had come to make friend a-
gain with the Vice-consul.
The German Vice-consul replied,
that they would be pardoned,
if they either brought back the
prisoners to the German prison
or paid $ 50 for each prisoner
totally $ 1200, the application of
which money to be left to the
decision of the German consul
resp. the German Govt. in concert
with the King Malietoa, and if
they further would agree that a
written convention should be ma-
de with the German Govt. in
accordance with Art VII of the
treaty, by which in future simi-
lar conflicts would be avoided.

40

Wieder kommt es auf den Wunsch
des Königs am 25 März zu einer Zu-
sammenkunft der deutschen Vice-
Konsuls mit einer Deputation der
Tamma und Faipule.
Dieselben erklären, sie wollen

Again at the desire of the King
a meeting takes place on the
25th of March between the Ger-
man Vice-consul and a deputa-
tion of the Tamma and Faipule.
The latter declare their willing-

die Gefangenen zurückbringen, sie
wollen aber keine Verantwortung
in Übereinstimmung des Art. VII des
deutsch-samoanischen Vertrages
treffen und wollen sie zwei am
Tage zuvor wegen Diebstahls ver-
urteilten Samoaner nicht aus-
liefern, sondern in dem Gefängnis
in Mulinuu behalten. Der deut-
sche Vize-Konsul sagt ihnen, dass
das Abkommen zwischen dem
deutschen Konsul und Malietoa
die Zurückbringung der Gefan-
genen in dem deutschen Gefäng-
nis so lange gültig ist, als ein
anderes Übereinkommen nicht ge-
troffen und dass, wenn sie dem
entgegen eigenmächtige Ände-
rungen treffen sie sich einer
Missachtung und Verletzung
des Vertrages schuldig machen.
Darauf schreibt der deutsche Vize-
Konsul dasselbe in einem Briefe
an den König vom 31 März. Die
Gefangenen waren aber nicht zu-
rückgebracht worden und die Re-
gierung hatte keine Anstalten
getroffen, das geschehene Unrecht
wieder gut zu machen, als sie
am 22 Mai nach meiner Reise zurück kehrte.

ness to bring back the prisoners,
but refuse to enter into a new
agreement in accordance with
Art. VII of the German-Samoan
treaty; they further decline to de-
liver up two Samoans condem-
ned the day before for theft,
but that the same should be
kept in the prison of Mulinuu.
The German Vice-Consul told
them, that the agreement made
between the German Consul and
Malietoa regarding the keeping
of the prisoners in the German
prison remained still in force, and
would be so, as long as a new
agreement had not been entered
into, and that if they made ar-
bitrarily one sided alterations,
they rendered themselves guilty
of new contempts and violations
of the treaty. The German
Vice-Consul thereupon writes
the same to the King on the
31st of March. But when I re-
turned from my voyage on the
22d of May the prisoners had not
yet been brought back and the
Govt. had done nothing to repair
the wrong they had done.

Seitdem sind mehr als 4 Mona-
te vergangen. Ich habe keine
Gelegenheit vorübergehen lassen,
Ihrer Hoheit und den Tamma
und Faipule zu sagen, dass die
Sache sehr ernst sei. Die Samoa-
Regierung hat nichts getan.
Die 24 Gefangenen sind nicht in
das deutsche Gefängnis zurück-
gebracht worden. Was den Sa-
mani aus Fagalii und
Failava aus Fuaipolu, welche
am 24. März zu je 2 Monaten
Gefängnis verurteilt worden sind,
betrifft die Strafe nicht vollstreckt wor-
den sind kommen.

Since then more than 4 months
have passed. I have not missed
any opportunity to tell your
Highness and the Tamma and
Faipule that this matter was
a very serious one. The Samoan
Govt have done nothing what-
ever. The 24 prisoners in question
have not been brought back in-
to the German prison. As for
the Samoans Saman from Faga
lii and Failava from Fuai-
apolu, each of whom has been
sentenced on the 24th of March
to two months imprisonment,
the sentence thus passed upon
the same has not been carried
out.

Der Diebstahl des Samoaners Otto
aus Vailele auf der Vailele Pflanzung
auf welchen sich das Schreiben des
Herr Konsuls an Ihre Hoheit vom
7. Mai bezog und viele andere
Diebstähle auf der Vailele-Pflanzung
sind die in dem Hause des Deutschen
F. Gabriel in Saleatele von Samo-
anern begangenen Diebstähle haben
nicht untersucht werden können.
Die Gefängnisstrafe zu welchen der

For the theft of the Samoan
Otto from Vailele on the Vailele
plantation, a matter referred to
in the letter of the Vice-Consul
to your Highness of the 7th of May,
and many thefts more commit-
ted on the Vailele plantation, in
cluding the theft committed by
Samoans in the house of the Ger-
man subject F. Gabriel in Salea-
tele, it has been impossible to get

40-41 R/R

Samoaner Talai aus Samatau um 14 August wegen Bedrohung der Sicherheit von Arbeitern auf der Pflanzung in Fatausafea verurteilt worden ist kann nicht vollzogen werden.

redress; they have not even been required into. The sentence of imprisonment pronounced on the 14th of August for threatening the life of labourers on the German plantation in Fatausafea against the Samoan Talai from Samatau could not been executed.

Laut Artikel II des Handelsvertrages zwischen der Deutschen und der Samoanischen Regierung vom 24 Januar 1879 soll den Deutschen in Samoa der vollständigste und immerwährende Schutz ihrer Personen und ihres Eigentums zu Teil werden. Die Samoanische Regierung weiß sehr wohl, daß sie allein nicht die Macht hat die nötigen Einrichtungen zu treffen. Aus diesem Grunde ist in Art. VII. ausdrücklich bestimmt, daß die Einsetzung einer Gerichtsbarkeit und des Verfahrens in Bezug auf Vergehen und Verbrechen der Angehörigen des einen vertragenden Teils gegen die des anderen einer besonderen zu Vereinbarung zwischen den beiderseitigen Regierungen vorbehalten bleibt, einschließlich der nötigen Bestim-

According to Article II of the treaty between the German and Samoan Government d.d. 24th of January 1879 the most perfect and perpetual protection of the persons and the property of the Germans is provided for. The Samoan Govt are well aware that they alone are not in a position to make the necessary provisions for the same. It has therefore been especialy provided in Art. VII that the establishment of a proper jurisdiction of the mode of procedure regarding crimes and offences committed by the subjects of the one contracting power against those of the other should be reserved to a special agreement between the two Govts, including the necessary regulations with regard to the

mungen über die Durchführung der Bestrafung der als schuldig überwiesenen Personen und das inzwischen bis die beiderseitigen Regierungen getroffen haben, alle zwischen Deutschen & Samoanern in Samoa entstehenden Streitigkeiten in bisher gebräuchlicher Weise von dem Deutschen Konsul oder dessen Vertreter vor in Gemeinschaft mit einem Beamten der Samoa Regierung entschieden werden sollen. Die nähere Vereinbarung der Gefängnisse in dem Deutschen Gefängniß ist von mir ausdrücklich mit deiner Hoheit vereinbart worden. Die von dem Deutschen Vice Konsul und dem Samoa. Richter gefällten Urtheile bezüglich ausdrücklich auf Gefängnißstrafe, die in dem Deutschen Gefängniß abzubüßen ist.

the execution of the punishment of those persons, who have been convicted and that meanwhile and until the two Governments had thus agreed, all disputes arising between Germans and Samoans should be decided in the manner hitherto customary by the German Consul or his substitute in conjunction with an officer of the Samoan Govt.

The new mode of keeping prisoners in the German prison is based on a special agreement entered into between your Highness and myself. The judgements rendered by the German Vice-Consul in conjunction with the Samoan judge especialy provide, that the punishment of imprisonment should be served out in the German prison.

Aus allem Dem geht klar und deutlich hervor, daß die Samoa. Regierung keine Rechte hatte, ohne die Zustimmung des Deutschen Konsuls zu bestimmen, daß die Gefangenen aus dem Deutschen Gefängniß aus dem Gefängniß in Mulinuu abgeführt würden. Indem die Samoa. Regierung diesen Befehl ausgeführt hat, hat sie die mit

From all I have stated before it is clear and evident that the Samoan Govt had no right to decide without the consent of the German Consul, that the prisoners should be brought over from the German prison to that in Mulinuu. In carrying out this decision the Samoan Govt have violated the pro-

Bestimmungen in Art II und VII des
Vertrages und eine Erneuerung war
leider, wenn ich mit Dauer Schritt ge-
schaffen habe. Die traurige Schuld daran,
daß an den Gefangenen, welche ma-
gen Verbrechen an deutschen Eigentum
waren Schritt worden, wie die volle Ver-
sühnung nicht vollzogen werden können.
Ob die Gefangenen in Mulinuu in ein
Gefängnis gebracht, und wie lange die
selben dort festgehalten worden sind,
ist ohne Bedeutung. Ich weiß nichts davon
die Gefangenen haben ihre Strafe nur bis
zum 11 Februar abgebüßt, sie haben
Rest derselben noch abzubüßen.

Ich habe Dauer Schritt den Gang der Ver-
handlungen in das Gedächtnis zurückge-
rufen, welche in der Sache zwischen dem
deutschen Vice-Konsul und der Samoa
Regierung gepflogen worden sind. Diese
beweisen die unzweifelhafte Absicht
der Samoa Regierung, sich den Pflichten
welche der Vertrag ihr auferlegt, zu
entziehen und zu der deutschen Regie-
rung in Opposition zu treten.

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entziehen und zu der deutschen Regie-
rung in Opposition zu treten.

visions of Articles II and VII of the
treaty, and the agreement which your Highness has
concluded with me. 226
It is the fault of the Govt and they are responsible for it that the
punishment, which has been awarded
to those prisoners, who were condem-
ned for theft on German property,
has not fully been executed.
It is of no consequence, whether
the prisoners have been put in
the prison in Mulinuu and kept
there. I do not know anything about
it: The prisoners in question have
suffered their punishment only till
the 11th of February, they have still
to serve out the rest of their pu-
nishment.
I have recalled in your Highness'
memory the details and the course
of the discussions, which have ta-
ken place between the German Vice-
consul and the Samoan Govt. They
show, that a clear and indispu-
table intention on the part of
the Samoan Govt to shake off their
duties incumbering upon them by
the treaty and to enter into di-
rect opposition to the German Govt

Aus den Erklärungen, welche die Taimua
u. Faipule in den Zusammenkünften mit
dem deutschen Vice-Consul am 14 und 25.
März abgegeben haben, geht weiter
hervor, dass die Samoa-Regierung
versucht hat, bei der Verhandlung
unserer Angelegenheiten mit dem Vertreter
der deutschen Regierung mit lügen-
haften fremdenfeindlichen Intriguen zu
operiren.

Ich will annehmen, dass die Samoa-Re-
gierung nicht gewusst hat, dass ein sol-
ches Verhalten geeignet ist, die deutsche
Regierung zu beleidigen.

Indem die Samoa-Regierung dies
ist Vorhalten so unmöglich gemacht
hat, ist sie nun mehr 8 Monaten
diejenigen Samoaner bestraft werden,
welche sich an deutschem Eigenthum und
gegen deutsche u. deren Schutzgenossen
vergangen haben, hat sie sich immer fort-
während Verletzung der Bestimmungen
in Art II des Vertrages schuldig gemacht.

Das, was geschehen ist, hat die Nothwendig-
keit bewiesen, dass ohne weiteres Mezug
ein Übereinkommen getroffen wird
wie es in Art VII des Vertrags vorgesehen ist.

Indem die Samoa Regierung sich

It results from the declarations, that
have been made by the Taimua
and Faipule in the course of the
meetings with the German Vice-Con-
sul on the 15th of and 25th of March,
that the Samoan Govt have tried
to operate with false Samoan in-
trigues, when transacting with the
representative of the German Govt
matters of the greatest importance.

I am ready to accept that the
Samoan Govt were not aware that
such a behaviour is liable to insult
the German Govt.

The Samoan Govt having rendered
impossible for the last 8 months to
punish those Samoans, who have
offended Germans and their prote-
gees as well as German property,
have rendered themselves thereby guil-
ty of continual violations of the
regulations contained in Article II
of the treaty.

By all what has happened the
necessity has been proved, to enter
without delay into an agreement
as it is provided for in Art. VII.

By constantly refusing to enter into

besorglich mitgeht, mit solcher Aussicht such an agreement the Samoan
kommen zu treffen, macht sich dasselbe Gouvt. are guilty of a continual
einer fortdauernden Verletzung der violation of the regulations con-
Bestimmungen in Art II & VII des tained in Art. II & VII of the treaty.
Vertrages schuldig. Es leuchtet ein, It is evident that this state
daß dieser Zustand nicht länger andau- of affairs cannot last long time,
ern kann, wenn nicht das Leben und unless the life and the property of
Eigenthum der Deutschen in Samoa nicht the Germans in Samoa being seri-
der ärgsten Gefährdet werden soll. ously endangered. The Samoan Govt.
die Samoa Regierung sollte sich ought to be aware that the German
selbst sagen, daß die deutsche Regie- Govt. will not permit that the Sa-
rung nicht ruhig zusehen wird, wie moan Govt are going on violating
die Samoa-Regierung fortdauernd die the rights acquired to Germany by
ihr aus dem Vertrage zukommenden the treaty.
Rechte verletzt. Ich schreibe daher heute I therefore write to-day to your
an Deine Hoheit in der Erwartung, Highness and expect that I shall
mich ohne Verzug von Ihrer Regierung get without delay an intimation
Samoa-Regierung zu erhalten, was sie from the Samoan Govt as to what
in der Sache zu thun gedenkt. they intend to do in this matter.

// Möge Sie leben! // May you live!

Der Kaiserliche Konsul als Vertreter // The Imp. German Consul p.t.

~~Lüders~~ Dr. Stuebel ~~sgd~~ Dr. Stuebel.

3

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INCLOSURE E.5 in

(King Malietoa's Petition to Admℓ. Kane. E,5.

Copy: translation.)

brw 5.c centu

Sall 42 RR

228

Apia, April 10th 1886

1 During the whole time in which the Imperial German Consul Capt. Zembsch continued here beginning with his first arrival in Samoa onwards to the time of his return to Germany everything done by that good gentlemen was exceedingly beneficial for he did not deviate in any direction but proceeded directly in the path of the articles in the Treaty of Mutual Good Will between the Government of Germany and Samoa as is done by the Gentlemen appointed by England and America who act entirely in accordance with all the Articles of the Treaties of Mutual Good Will made with the Governments respectively of England and America by means of which peace has continued between us and those two Governments.

No disrespectful actions whatever have been done by the Gentlemen of those two

Governments or anything calculated to pervert the meaning of any article in the Treaties of Mutual Good Will with those two Governments which should lead us to show disrespect on the one hand or special regard on the other to any other Government.

In most of the matters likewise which have special reference to criminals they are given over to any Government by those two Governments and in matters relating to the Territory and Community of Apia we would be no hindrance to them

It was thus that Capt Zembsch acted.

Far was it from him to pervert any statement of the Treaty between Germany and Samoa or seek any occasion to bring about the necessity of an apology from the King and from our Government to the Emperor of Germany and His Government.

But not only that; trials during those times, were properly conducted.

All arrangements were carried out with impartiality and without any desire to obey misleading statements when these were made for benefit of Trade. Your Excellency the Representative of the Government of

Germany, - permit us to call your attention to the fact that many Samoans are now mourning over the deprivation of their lands on which they formerly dwelt, on account of the unjust purchase of them by some in the German Firm now under the control of Mr Weber. Capt Zembsch wished to have a thorough and just investigation of these lands out of regard for those who had been defrauded of their land by those who had no true authority over them, and others who had moved their boundaries so as to enclose land not purchased by them, and in consequence some have now no land on which to plant food to eat.

28 We know well that Capt. Zembsch tried to have these matters investigated with justice, and some few lands were returned to Samoans but this capable and just man seems so to have excited envy so as to lead to his speedy removal from Samoa. The sentiment which he was so earnest to have carried out was "Peace for Samoa" and the continued progress of our Government, and he is known as "Zembsch the gentleman who acted justly" and it has now become a Proverb with us to say "If Capt Zembsch

had not left us no difficulties would have arisen in Samoa." Another thing we wish to make known to you. In the year 1880 in the month of September Capt. Zembsch presented to us for confirmation by Malietoa Talavou (since dead) the Treaty of Mutual Good Will between Germany and Samoa on the 24th of January 1879. It was at first exceedingly difficult for the King and Government to bring themselves to accept it for there were articles in that Treaty not agreeable to us and we feared lest trouble should arise thereby in the future. But not only that we were fearful lest it should involve by us a violation of the Treaties between England and America and Samoa.

We therefore well considered the matter with Capt. Zembsch and he replied to us in his speech that "we need not trouble thereby: Germany will do nothing without first carefully investigating the matter and the two Governments being united in their actions; and not only that:- Capt. Zembsch spoke to the Governor of Fiji, Sir Arthur Gordon, to make known his opinion on the matter to Malietoa and his Government. A letter was

therefore brought from Sir Arthur Gordon to Malietoa (now dead) written in September 1880 in which he exhorted us as follows.

"You need be under no anxiety. No trouble "will arise to you if you continue steadfast "to the meaning of the words of that Treaty &c".

It was then that Malietoa was induced to sign the Treaty between Germany and Samoa.

It was carried out by Capt Zembsch with consideration and due respect.

Probably too there was in him some-thing of shame for though it was a Treaty between Germany and Samoa, yet some of its articles were first devised by Mr Weber having for their object the advantage of the large business under Mr Weber's control.

At that time Mr Weber left for Germany and we had strong suspicions that the sole reason for his leaving was to bring about the removal of Capt. Zembsch and ~~Zembsch~~ the accomplishing of his own purposes. Captain Zembsch left Samoa leaving behind him the deepest regret for a gentleman so kind and upright in relations to our weak Govern-ment. But now as to Treaties between England

America, and Samoa there has been no deviation from them nor have they ever been used to the injury of our Government and our authority. At the begining of 1883 Mr. Weber and Dr Stuebel Imperial German Consul arrived. Dr. Stuebel began his trials on Land questions. They had reference to Samoans who complained they had been deprived of their land as e.g. the case of Tupua Tamasese in Vaitele Faleata who complained that a certain piece of land which he had sold to Mr. Weber had by the removal of the boundaries been made to enclose a piece of land not sold to him. Might rather than right led to the conclusion of the trial arrived at and the Samoan Judge refused to concur in the decision. Many schemes were used by Mr Weber to induce unfaithful witnesses to agree with his side but they were chiefs who had nothing to do with the matter. Tamasese was exceedingly annoyed about it which continued up to the day on which our Government became divided by means of Mr. Weber (A.D. 1880).

But it was not confined to the Land question concerning which Tamasese complained

plained.

There was land in Toamua, Fagalele and Failele and in many other parts of Samoa which can be explained to your Excellency if you desire it. Another matter originated with Dr Stuebel and Mr Weber that men had stolen from the plantations of Mr Weber in Failele and Fagalii, should be confined in the prison of Mr Weber. But at the time of Capt. Zembsch if any man stole from plantations or any other place belonging to Germans it was placed in the hands of the King and Government to seize those men which was quickly done, by authority of the King. A trial would then be held in the German Consulate and the prisoner placed in the Municipal Prison. We suppose that Mr Weber did not agree with that arrangement, for near the close of the year 1883, Malietoa Laupepa was sent for by Mr Weber and Dr Stuebel. The King went to the house of Mr Weber and found there also Dr Stuebel and Mr Coe. They (two) then gave their opinion to Malietoa. Our opinion is that it would be well to deliver up prisoners who have stolen from German plantations

tations to be kept in the prison of Mr
Weber for though it is called the prison of
Mr Weber it shall be in reality the prison
of the Government of Samoa. Malietoa then
replied Capt Zembsch did not act thus
but put prisoners in the Municipal Prison
Mr Weber and Dr Stuebel then answered,
That makes no difference. Your prison at
Mulinuu is not yet complete so you can
give them up for the present while the Samo-
an Government prison is being erected at
Mulinuu. The matter was then conceded,
Malietoa remarking "Very well" but when
the prisons at Mulinuu is complete then
the prisoners must be placed therein Prisoners
were then placed in the prison of Mr Weber
Malietoa reluctantly consenting thereto but
yet he accepted it supposing the words to be
sincere because that the new prison at Muli-
nuu is not complete, and that they should
be placed there only for the present." Furthermore
we supposed that it would still be proper
to give over the prisoners to the Government
of Samoa, to carry out the judicial (ie. in
the case of Samoa Prisoners) as is done by the
representatives of England and America. In

8

the year 1884 Dr Stuebel went on a voyage of about three months and G. von Oertzen, vice Consul acted for him. He tried to make a new Treaty between Germany and Samoa acting according to the advice of Mr. Weber. Probably also it was under the authority of Dr Stuebel. There were at that time certain prisoners in the prison of Mr Weber but they were not well cared for by him and they made their escape. They were brought back again by Government Policeman to the prison at Mulinuu which was now complete. This was in accordance with the words of Dr Stuebel and Mr Weber already quoted in this letter. This we believe has been considered a wrong done to the Government of Germany, that we should put prisoners in the Samoan Government Prison at Mulinuu. But at this very time the Tumua Party (now in rebellion) were angry and said. "We suppose Malietoa is selling these Samoans to Mr Weber in order to get money thereby" They were also offended at the Treaty between Germany and Samoa because many things in it were not agreeable to them but it was very clearly explained to them by Selu the

Secretary that they - the Tumua - were wrong, for the Articles of that Treaty did not originate with Malietoa and one of the Chiefs of Malietoa urged most strongly in his speech, Pagutunguta by name, that prisoners should still be put in the prison of Mr Weber "But yet we were one and all "sorely troubled for we thought that the "words henceforth were to have no meaning". "That a strong Government should be established for Samoa." We humbled ourselves to the Vice Consul G. von Pezyn & returned the prisoners to the prison of Mr Weber and Malietoa then wrote his opinion to the Vice Consul that the prisoners should be placed in the prison at Mulinuu but the Vice Consul refused and said it is well that they be returned to the prison of Mr Weber as we had already done. They were placed in Mr Weber's prison but remained there a very few days when they again made their escape.

V
634

At this time Malietoa was sent for by Mr Weber and he read to him a Treaty which he had prepared, and containing the provision on which his mind was set. Mr Weber then

said to Malietoa that if he would accept that Treaty he would obtain a large pecuniary reward. Malietoa answered. "That is very "difficult for me to do but suffer me to go and "make known the matter to my Government", "which was accordingly done. The result was to make us increasingly suspicious. Dr Stuebel returned from his voyage in 1884. The Chiefs Semanatafa and Tofaeono were then commanded by the King and Government to return the prisoners who had escaped. They were seized and taken by those Chiefs to Dr Stuebel but he refused to receive them saying "I cannot receive them" "Take them away to Mulinuu" About this time two men of Sifotifi, Apia - a Samoan and a Tahitian were severely beaten inquired by a laborer of Mr Weber's at the Mulifanua. They were attached with a knife and wounded. If they had not been strong to resist the attack probably they would have been killed. The (Expectations) of the King was that the trial would probably be held in a court house of our Government in Apia or Mulinuu, or in the German Consulate in Apia. Dr Stuebel would not consent to this so the trial was held at

43 RR 1 239

at Mulifanua in the business house of Mr Weber. The conclusion of the trial was that the Samoan who had been badly wounded should pay $20, the Tahitian $10.00 and that $10.00 should be paid for Court Expenses and that he should be put in the prison of Mr Weber for 6 months with hard labor. The Governor of Aana and the Chiefs were greatly troubled about it and in October 1887 they wrote as follows: "Malietoa we know well that we are in bondage to the great Governments", the reference being alone to Dr Stuebel and Mr Weber. We truthfully and distinctly affirm our conviction that in all the different arrangements and trials carried on by Dr Stuebel beginning with his first arrival in Samoa and onwards to the last trial held by him at Mulifanua in October 1887:-

(1) That our suspicions have been correct that he was endeavoring to make our Government of no effect.

(2) That he was carrying out the purposes of Mr Weber.

(3) That he has been continually setting

out means which would bring calamity upon us.

At this there arrived the two German Ship of War, the "Marie" and the "Albatross," and the King and our Government went and humbled themselves and apologised to Dr Stuebel for they had been put into a state of great fear by the letters of the German Vice Consul G. von Oertzen written in March 1884. The messenger of Dr Stuebel (Meisake) also went to Mulinuu and said "Alas for our Government, Trouble is about "to be brought to it by the Ships of War if "they do not accept that Treaty". But the answer to our humbling ourselves and our apology before Dr Stuebel was that "There "can be no reconciliation with you unless you accept that Treaty."

Then we deliberated for two days as to some means by which we might be delivered from the unfriendly attitude of Dr Stuebel and Mr Weber towards us and it led to our petition of the 5th of November to Her Majesty the Queen of England, Dr Stue- continued to eagerly urge upon us to accept that Treaty. We replied it would be a good thing

to give us the Treaty that we might examine it and deliberate upon the meaning of its words and the King wrote an earnest entreaty to Dr Stuebel that he would give us the Treaty for a day or for a few days that we might examine it so as to act with deliberation. This was written on the 10th of November and an answer was brought from Dr Stuebel on the same day which said 'I am unwilling to give you a copy of that Treaty for I wish to consider it with the Government.' Meisake, Interpreter of Dr Stuebel came with a copy of the Treaty but he would not show it to any member of the Government. A few questions were put to Meisake by Selu the Secretary, as follows "Who would be the Treasurer?" "Probably Mr Weber." "Would the Germans cease to carry out the instructions from the German Government respecting the making of Contributions to the Government?" "Yes." "Can the Treaty be set aside?" "I know nothing about that." "How about serious criminal offences?" "They will not be effected by that Treaty." We could not by any means obtain light on the stipulations of the Treaty but word was brought from Dr Stuebel that we would get sight of it

14

on the evening of that day. Meisake also remarked
"If the Government delayed in the matter they
would probably soon find trouble brought upon
them from the Ships of war." There was no other
word used among us but the arrogance (or haughti-
ness) of Dr Stuebel and that it would be well for
these troubles to be brought upon us but for us
not to accept that Treaty. Then the King
and Vice King and Sinafoa - Ruler (now
in Rebellion) went with the decision not to
accept that Treaty. But while on the way the King
and the Vice King in consequence of their fear
suddenly decided they would accept it. They
reached the German Consulate but when
Sinafoa (now in rebellion) heard the speech
of Malietoa to the effect, that they would
accept that Treaty he was angry and depart-
ed in indignation saying Better fight with
Germany than that." That same week a
reconciliation was effected between the
Captains of the Ships of war, Consuls, the
King and Government, and the "Marie"
took its departure. Dr Stuebel & Mr Weber
then heard the Report that a Petition had been
sent to Her Majesty the Queen, Malietoa
was sent for by Mr Weber - Malietoa went.

(13)

243

Mr Weber said "Come put your name to this letter to be sent to England recalling your Petition for I am now thinking of giving over Malinuu to you. But Malietoa refused to write his name to the letter. At this time Mr Weber was endeavoring to influence certain Chiefs and Rulers of the Faumaaga to appoint another Malietoa & to drive away Malietoa Laupepa. He tried this with Fagutagutu and other Chiefs, So also Dr Stuebel, he sent for Leiataua Samoan and asked him "If it were not possible to substitute for Malietoa, some one else". Semuamutafa and the English Consul Churchward are witnesses to the truthfulness of the statement of Leiataua made on oath. Dr Stuebel and Mr Weber knew well that no other Malietoa acceptable to us was possible. Then they both turned their attention to the Tumua Party and Tamasese. For many nights their deliberations were continued in the house of Mr Weber; the meaning of these meetings being the breaking up of our Government. Their purpose was accomplished in consequence of the Tumua Party being led astray by Dr Stuebel, Weber, and of their unfriendly actions towards Samoa. We know our Go-

16. vernment

Government was divided in consequence of the advice of Dr Stuebel, Mr Weber being agreeable to the will of the Tumua Party. On the evening of January 22d 1883 another meeting was held between the Tumua and Dr Stubel and Mr Weber on board the German Ship "Albatross." The meeting continued till nearly daylight of the day on which the German flag was raised at Mulinuu. On the 23 of January the flag was first raised at Mulinuu. On that day Tamasese and Lei Auani (now in rebellion) were first at Mulinuu but were soon followed by Officers and Forces of the German Ship of war together with a large number of laborers belonging to Mr Weber, all armed with different weapons. They then raised the flag and built the fort. An armed force was continually there. They broke into the house of the King, threw about at random the things contained in it in the presence of the King. We were astonished at it. It was as if it were done by some barbarous people (dark people). On a certain day Selu the Secretary explained everything to the Tumua, should to them their wrong and their want of affection for Samoa

17

the more so in that they had been foremost with their groans and sighs on account of the injust conduct of Dr Stuebel and Mr Weber whom now they rejoiced to obey. Then Manoro Ruler of Samatau (rebel) the same man who said to Malietoa "It is plain that we are to be the slaves of Germany said to Selu. "It is true what you say. A person belonging to my town was consigned at Mr Webers prison for 6 months with hard labor and was fined $100, of this was paid but of the other $50 Mr Weber said to me that it should be remitted". That was the trial held by Patuosofia of the Mulifanua August 1884. Palae was the name of the man of Samatau pardoned by Mr Weber. In the evening of the 27th of January another meeting was held in the house of Mr Weber Present Dr Stuebel Mr Weber, Tamasese &c. The meeting continued till nearly daylight. The decision was that the Tumua Party should go to Leulumoega and set up their Government there and that Tamasese should be their King. That was the counsel given by Dr Stuebel and Mr Weber and it was added for a very

few days would they continue at Aana. When their flag should be raised and Tamasese anointed King then the two would devise some scheme to bring the Tumua and Pamasese to Malietoa to establish their Government and to drive away Malietoa and his Government.

All these statements were confirmed by Sinea ~~to Lanafi, Pau~~, the wife of Tamasese (since dead). She told them to Lanafi, Pau, Selu. She went weeping to those chiefs and explained all the words given above and many other similar statements "Alas" she said for you and Malietoa. Dr Stubel and Mr Weber told the Tamua Party and Tamasese at the meeting last night to depart quickly to day to Aana. (Lulumoega) and set up their Government which will be brought to pass tomorrow. Then a force will be landed to drive away Malietoa and his Government. If there should be any difficulty in getting them away then trouble would come to Malietoa &c. The statement was also confirmed by Manoo (ruler of Samatau now a rebel) he told it to Leiataua and the statements were also confirmed by other men. On the 28th January there came one of the Officers of the Ship

of War and we strongly suspected that the report we had heard was about to be verified in action.

The Officer came in front of the house of Malietoa, took his stand there and called out three times "Malietoa" and beckoned with his hand three times. We then prepared to leave but a was first sent from Malietoa to Dr Stuebel to inquire if this was his decision. He replied 'No" the opinion of Malietoa was wrong. That Officer had no thought of driving them from Mulinuu. On the same day the Tumua Party and Tamasese left Mulinuu and went to Leulumoega, they raised their flag and appointed Tamasese as their King. Mr Weber went to the Mulifanua to his house there. The Chiefs went there to him and carried on their deliberations and made their decision, Mr Weber rested not. He went often subsequently to the Mulifanua and exhorted the rebellious party to be courageous.

A number of men gathered together called a military force and continued so to this day

The house of Mr Weber in Apia is used even to the present time for their meetings further house of Mr Weber has been erected at Leulumoega and the report is generally circulated that guns are still being sent there to be

20.

sold. Had it not been for Mr Weber and Dr Stuebel our Islands would now have been at peace. They have been continually exhorting the party in rebellion not to be discouraged. German Ships of War were at hand which would inflict heavy punishment upon Malietoa and establish the Government of the Samoa. Many are the schemes to which they two had recourse in order that they might frighten Samoans to join the party in rebellion and thereby confirm their untruthful statements sent to the Emperor and the just Government of Germany. One thing we know as true - the armed forces had gathered in Leulumoega.

We considered that the King and the Government had better have an armed body-guard. We sent to Dr Stuebel a letter requesting this from Dr Stuebel but he forbad it. He would not allow such a number of men at Mulinuu. But we even put our lives thus in jeopardy on account of our fear of Germany. On the 18th of December 1888 there came a letter from Mr Weber that we should pay $144 1.00 rent for residence at Mulinuu and that we should likewise leave Mulinuu on the 21st of that month. If we should not obey that notice he would make his complaint to Dr Stuebel Imperial

21.

German Consul. But though the deeds of Mr Weber for the land seem to be complete and by means of his devices the name of Malietoa is signed in them, yet we maintain that the lands would prove to be still ours if the matter could be investigated with impartiality. A letter was then reluctantly sent to Mr Weber stating that they would pay down the sum of $5,000 as payment for Mulinuu. Mr Weber refused, being utterly unwilling to accept it. We left Mulinuu on the 21st of December and came to Apia. We then raised our flag. when Dr Stuebel saw our flag raised he came to the King and told him to pull down the flag. The King refused refused and said. It is with you to do what you please. If it is with your will to put it down, carry out your own will. He then went on board the Ship of war "Albatross" and returned with an armed force and at the same hour put down our flag. The English and American Consuls have protested against all the past actions of Dr Stuebel even up to the day on which our flag was hauled down. Our indignation had become very great at that hour. We thought it would be better to

22.

rush on death and perish at the hands of Dr Stuebel but no longer to endure it. A disturbance seemed likely to arise but the English and American Consuls earnestly entreated us to avoid every thing of that kind as it would only lead us into further difficulty. We obeyed the good advice of these Consuls and left Dr Stuebel to work out his own will. We then decided to send some members of our Government to make inquiries from the Great Governments of England, America and Germany as to whether the actions taken by Dr Stuebel were carried out by the authority of the Government of Germany. Accordingly Semanuta fa and Tuiletufuga went and returned with the good report from England America, and Germany that his Excellency Admiral Knorr was about to be sent to bring about a peaceable settlement of all the differences between the Government of Germany and the Government of Samoa. We rejoiced greatly in that good report. But notwithstanding that the intimidation of Mr Weber was not yet complete. Mr Weber is well acquainted with the Samoan Custom that not so much stress is laid upon written words as upon spoken words. The latter are retained in the mind and believed in. Accordingly

on the 12th of April, 1886, a Samoan Chief Tialigo by name (who lives on the land of Mr Weber) went to the Chief Tofaeono in this the Vaimanga District and spoke as in the following account "Come, for I am commissioned by Mr Weber, to tell you his words which are as follows". - "Tell Tofae that this my final word to him, that he should turn away from and abandon the Government of Malietoa, for the Government of Tamasese is established. There is no further hindrance to it. The Government of Malietoa will not be again known, nor will any respect whatever be shown to it by Germany when the Ships of war arrive. Do you likewise urge upon Tofae that he cease to be longer deceived by men who are leading him astray that he cease any longer to listen to the lies of the American and English Consuls They will not have a word to say when the vessels arrive for the decision of the English American and German Governments is that all affairs in Samoa should be controlled by Germany. That is why these German vessels now on their way are being sent, while no English and American vessels are coming. Do you therefore urge upon Tofae speedily to

24

to turn away (from Malietoa) ere these vessels arrive, by which means, he and the Tamanga will escape all fines, for there will be no inquiry or deliberations held then, nor will Treaty relationship any longer be observed;

The English and American Consuls do not speak true words to the Government and the King but tell them only incorrect statements

But if Tofae should not quickly turn away from Malietoa then I will enclose the land where they dwell with a fence and send a man to occupy it. Tell Tofae that Tamasese and his Government can be brought to Mulinuu to remain there but he will be the means of this if he will only turn, because the Government of Tamasese has been really established "I then asked" If those things are indeed done how about England and America, & Italigo? Those Government will not be again known but all words will be ended by Germany; they will be put an end to by the German Consul now in Samoa, the Captains of the Ships of War taking no part in the matter.

99 In the troubles which have arisen in years gone by and in the battle fought on July 12th 1877 Mr Weber has been the prime mover in those

25

troubles. But still notwithstanding these unworthy intimidating actions on the part of Mr Weber towards us the account of which we have had to give we shall continue to rely on the righteous dealings which are characteristic of the German Government as the representative of which;- Sir, you have come. We trust it will lead to a thorough and impartial investigation of these difficulties with a view to their speedy determination and the restoration of Mutual Good Will. For our anxious fear is great at the words so groundlessly cast about that, we are at variance with the Government of Germany:- a statement which is confined alone to Dr Stuebel and of which the Government of Germany will probably be ashamed who are (for) from any desire of retaining in mind against us any statement of such a kind.

Your Excellency, let the righteous dealing and the kind regard of the Government of Germany be manifest towards our Islands so feeble and so few as it was in the days of Capt Gembsch who continued so short time with us. For it is because Dr Stuebel has been brought into subjection to Mr Weber that

26

that this cessation of friendly relationship has occurred.

Your Excellency. We await your action:—

With respect and strong reliance on the Government of Germany and on your Excellency

I am

~~(Sig)~~ Malietoa
King of Samoa

~~(Sig)~~ Selu
Secretary

Apia, 20th April 1886.

To His Excellency
Admiral Knorr
Commander of the Fleet of War Ships
of His Majesty the Emperor of Germany

24

Copy

[INCLOSURE E.6 not]

E6

Government House
May 10th 1886.

255

To His Excellency
Admiral King
Commanding H.I.M. Fleet Apia Harbour

Sir,

I am commanded by His Majesty ~~of Samoa~~ Malietoa, King of Samoa, to express his sorrow at the strange & remarkable treatment to which His Majesty has been subjected by the Officers & Servants of His Imperial Majesty the Emperor of Germany.

Your Excellency is aware that a solemn treaty now exists between Germany & Samoa by which the Empire to which you belong is as much bound as she is with England or the United States of America. In the face of this treaty His Majesty the King of Samoa hears with astonishment and regret that you, accompanied by Dr Stubel the German Consul did upon last Saturday proceed with H.I.M.S "Bismark" to visit certain subjects of the Samoan Crown now in rebellion against Malietoa - as your Excellency must have known - in a friendly manner, a manner calculated to aid and abet them in their rebellion.

His Majesty desires me to point out to you the consequences which are likely to ensue from your strange conduct. His Majesty has heard with profound astonishment that in the presence of a German Admiral and under the guns of a German Man of War the German Consul informed the rebels

that the German Government has recognized the rebel leader as King of Samoa. I am instructed to point out that the natural results of such an unadvised statement, will be the kindling of civil war and the shedding of much blood.

His Majesty the King of Samoa has for years humbled himself to Germany or rather to its unworthy representatives here Dr Stubel & Mr Webber in order to maintain peace. but is now determined to appeal direct to the people and Government of America & England for sympathy & assistance upon a full statement of the whole matter.

His Majesty being bewildered & alarmed by your conduct, and not knowing to what extent the violence of Dr Stubel and Mr Webber may yet lead you, has after consultation with his ministers felt compelled to invoke the assistance of the United States Consul, under whose guardianship he has placed the Samoan flag, & to whose charge he has entrusted the safety of his people. To add to his alarm he is credibly informed that in your hearing & uncontradicted by you Dr Stubel stated to the rebels that ~~England had~~ the English Consul had deserted Malietoa.

In what manner your Excellency intends to vindicate such conduct to your own Government the King does not know - but if in consequence of your interference there ensue violence and war the guilt will be yours, ~~but on~~ while he shall have to bear the suffering.

In conclusion His Majesty desires me

207

to remark that you have not shewn sufficient
courtesy even to acknowledge the receipt of
the long letter of grievances sent to you on
Friday last.

I have the honour to be

Your Excellency's most humble Servant

Signed Telu.

Secretary.

Enclosure No 5
to
Dispatch No 96

Malicoa

(2.7)

E.7

[INCLOSURE E.7. in] (now l.c. enclo)

Copy - Translation] 258

Cruising Fleet / Apia, May 9th 1886

J. No. 1227

The Head Chief Malietoa

Apia

Your letter I received and the following is my answer.

I have not been sent here, as you say in your letter, to settle any difficulties between the Government of Germany and the Government of Samoa.

This is the business of the Imperial political representative at Samoa, Consul General Dr. Stuebel whose official actions to investigate I have no right to. And also it is not possible for me to treat with a party Government which

V

which in a rough and unthankful
manner, opposes the treaty not only,
but also offers the rightful german
influence most objectionable opposition.

Signed: Knorr

Vice Admiral

and Chief of the Cruising squadron

V

31

INCLOSURE E.8 in M.

~~Copy~~ - Translation

E8

Apia, May 14th 1886

259

To the Headchief Malietoa

Apia

Vice-Admiral Knorr requests me to acknowledge receipt of a letter of the Secretary of State, Selu, dated Government House the 10th cr, and to answer the following.

Contents and manner of expression prove that you have for your Headchief, bad advisers at the Government House.

The Admiral cannot hold the writer of the letter, but has to hold responsible the party ordering it for everything what has been addressed to the Chief of the German Squadron.

In the name of the Admiral I have to declare as inadmissible, that in an official letter, to which is attached the seal with the name "Malietoa," the person of the Imperial German Representative has been attacked by insulting expressions, and that an attempt of a repetition against the respect of the Imperial German Government

Government will cause immediate redress against the only responsible party.

Besides the letter contains, and to which on Account of its irregular form, the Admiral dont care to go more into, hardly anything else, as positive untruths, and contraversions with existing circumstances, so that the consequences on all of this basis planned or gone into, the actions solely and expressly fall the Government and its Head.

Your letter of grievances of the 7th cr. was already answered on the 9th; instead of speaking of impoliteness, it probably would have been better, to govern your own politeness, and to await an answer, which on Account of translating, could under existing circumstances, not be done any sooner.

Signed: Von Holzendorff
Captain-Lieutenant
and Flag Lieutenant

31

E9

[Inclosure E.9.]

Mulinuu
Capital of Samoa
29 December 1884

260

To His Imperial Majesty
The Emperor of Germany

Your Majesty:

I write to inform Your Majesty that I am deeply distressed on account of the troublesome acts done by subjects of your country in Samoa

I humbly beseech your Majesty to listen to my complaint

The first matter of complaint of which I have to inform your Majesty is the agreement which was made on the 10th of November between the Government of Germany and the Government of Samoa.

The method in which it was brought about was very improper for we did not desire to make it because we were not allowed to see the document so that we could consult about it and consider it

I wrote to the German Consul to ask him to give me a copy of the agreement in order that we should thoroughly understand its meaning He replied that he refused to give me or my Government a copy of the agreement until after we had accepted (signed) it.

I assented to the agreement and our names Malietoa and Tupua were signed to it on account of our intimidation by threats

I also inform your Majesty of our withdrawal from the agreement on account of its containing many impracticable clauses

I therefore beg your Majesty will not assent to that agreement

I also appeal to your Majesty with reference to the troublesome acts of Mr Weber a subject of your country.

He is continually trying to cause divisions among my people in order to bring about disturbances and war in Samoa I have received much information respecting his working for the purpose of causing troubles to arise in Samoa again

He is continually scheming and offering bribes to some Samoan chiefs to induce them to comply with his wishes and thus cause a rebellion in my country

I complain to your Majesty on account of this improper conduct of Mr Weber so that he may be compelled to desist from acts by which the blood of the people of my country may be shed

I hope and pray that God will bless Your Majesty and your Government.

I am
Your Majesty
Malietoa
King of Samoa

Copy.

Translation.

[Inclosure, E. No. 10. 1/m

No. 10

German Consulate.

Apia. Oct. 19th 1885.

Your Majesty: 261

I have received your letter which you wrote yesterday in which you make known to me your desire that your forces should assemble at Mulinuu to act as your body-guard.

This is my answer to it —

Your opinion is correct that it was considered right that fighting should be forbidden in Samoa. So that and the American and English Consuls with myself agreed together that letter should be written to your Majesty and the Samoa in which it was

E.10
2

exhorted that no division of the people (male) should begin fighting. Therefore the report you have received concerning Tumuva cannot be true that they are about to attack you at the present time.

But in addition to that the land of the place (district) and the town of Apia have been attached (occured) for the Government of Germany, on account of the disrespectful things you have done to the govt. of Germany, and the flag of the Government of Germany has been hoisted as the sign of that thing. it is proper also that that flag has to be guarded by the forces of the German ships of war.

But I cannot permit your

forces to assemble together
with their weapons of war at
Malinuu or at any other
place within the Territory
which has been attached,
for if this is done it is
very possible that severe
quarreling will arise between
Germany and Samoa.

05

I wrote to your
Majesty on the 29th of
(January 7)
February, that you are
permitted to remain qui-
etly at Malinuu, that
opinion is not changed
at the present time, but
it will be necessary for
you to leave Malinuu
if you should assemble

Here your forces.

May you live

I am

~~Deputy~~ Dr. Stuebel.

Imperial German Consul.

To

His Majesty

Malietoa.

King of Samoa.

Copy. E. 11

Translation.] Inclosure E. 11.

Mulinuu. April 1885.

263

Sir:

I have the honor to acknowledge the receipt of your letter of 10th of April, received by me at about sunset.

As you know, on the assembly of my Parliament many men have to be present. I cannot help that a greater number should assemble than at other times.

Do you want to drive me off Mulinuu? If so, tell me and I will go, and my Government, but shall set it up in another place.

I deny any sort of disrespect to the German Government.

It is the custom of Samoa

to assemble as they are doing. All my people are quiet and without arms, and will not do any thing wrong.

I cannot imagine how you or the Captain of the man-of-war can find fault with me or my people on account of my people carrying out their custom, and coming to see me as is usual.

I would ask you to reconsider your command, for if you persist in it I must move from the point, but I give you notice that the seat of Government will only be moved, and my Government will continue its office.

E. 11
3

264

If you should be so unnecessarily severe as to order me from the Point, I would respectfully ask you whether your prohibition extends to the whole of the Municipality.

May you live

I am

(Sgd.) Malietoa.

King of Samoa.

To

Dr. Stuebel.

Imperial German Consul.

Matafele

131

Copy. Translation. Enclosure E/12 in

E/12. 265

Imperial German Consulate.

Apia. 10th April 1885.

To your Majesty.

I am writing to your Majesty who are well aware of the letter written on the 29th of Jany and the 31st March. to make known to you that you would be permitted to continue to reside at Mulinuu on condition that your Majesty and your Government should keep quiet. In the letter which you wrote me on the 1st of April you informed me that a great many men had assembled at Mulinuu at that time but that they were about to go quickly away again. yet

E.12
2

notwithstanding that a great Talolo (assembly) was held yesterday and a very great number of men gathered together at that Talolo.

But from the present time no great assembly of men shall be allowed at # Mulinuu. The Captain of the German ships of war will not permit any thing of that kind, as it is a transgression and disrespect to the authority of the Government of Germany, established within the neutral territory.

Therefore I write now to make known to your Majesty that from this day all kinds of ar-

semblies of men who have no families resident there are forbidden at Mulimain, In which also is forbidden any great meeting, Talolor of any kind whatever, and likewise the game usually called cricket. Should this law be transgressed the people in general will be scattered by force, and as to your Majesty it will be necessary for you to immediately leave Mulimain together with your Government.

May you live

(a/s) Dr. Stuebel.

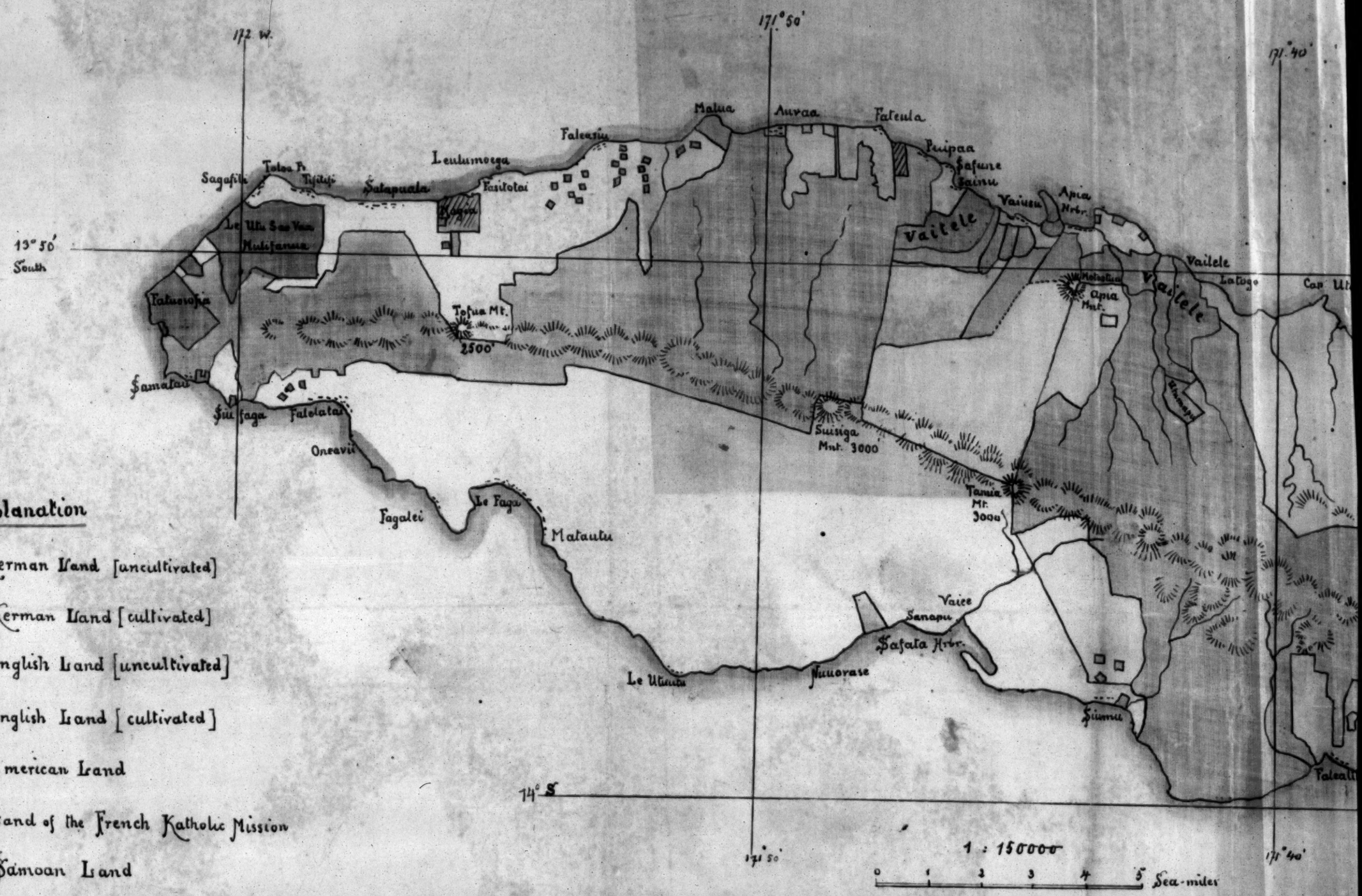
Imperial German Consul.

Note by Translator. Tin Cals. Co.

is defined as the taking of
food to visitors by a whole
District at once, where it
means taking food to the
Government by a whole Dis-
trict.

INCLOSURE F.1.

UPOLU ISLAND



Explanation

- German Land [uncultivated]
- German Land [cultivated]
- English Land [uncultivated]
- English Land [cultivated]
- American Land
- Land of the French Katholic Mission
- Samoan Land

Remarks

1, The map above only comprises such landed property cultivated and uncultivated as is the Südsee Inseln zu Hamburg. — of Mr. Weber and Mr Wulf, both Germans. The land b

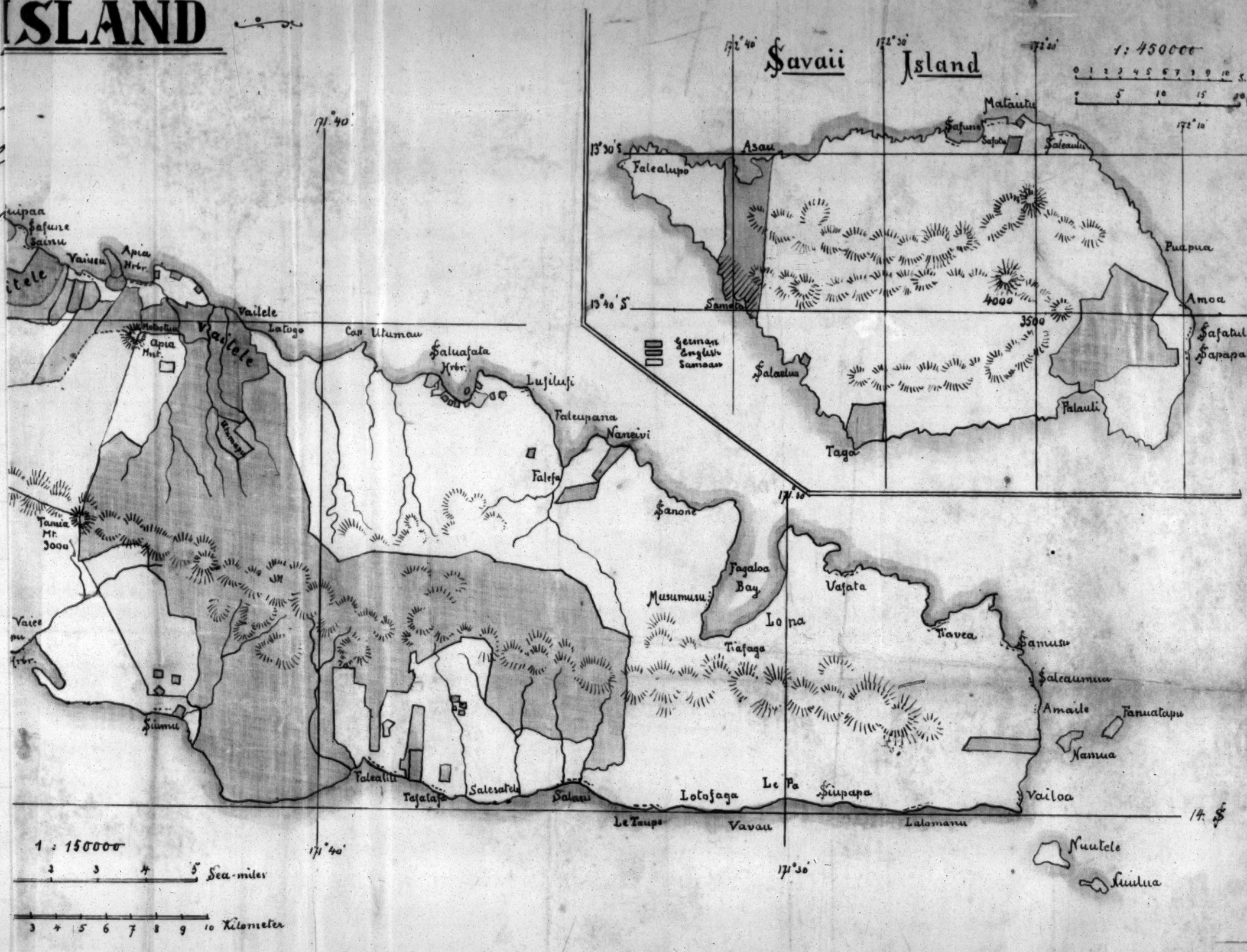
2, The German lands as marked with red and blue uncultivated and cultivated comprise under cultivation; of this area 10220 acres have been acquired before the conclu of the latter 1005 acres were acquired in 1884, 503 in 1885 and only 18 in 1886, si already in possession of the Deutsche Handels u. Plantagen-Gesellschaft.

3, The extent of other German landed property may asperoximately stated as b ked in the map above the total extent of landed property in possession of Gers

4. The extent of English and American property is based on investigation made in smaller items of land belonging to different English and American people

URE F.1.

ISLAND



l and uncultivated as is the property of the Deutsche Handels u. Plantagen Gesellschaft der both Germans. The land belonging to smaller German proprietors is not marked out in the map. ..rted and cultivated comprises a total area of 133122 acres of which 7785 resp. 7985 acres are acquired before the conclusion of the German Samoan treaty in 1879. The rest after this time. 885 and only 18 in 1886, nearly all of which are situated in close vicinity to the plantations ntagen-Gesellschaft.

approximately stated as being ca 2000 acres, added to the area of German lands as mar- operty in possession of Germans amounts to 135122 acres.

on investigation made in 1883 and comprises only the land belonging to the greater proprietors n and American people not being marked.

F2 261 is a map. [illegible] 26 E

(019)

INCLOSURE F.2

United States of America ss.

On this eleventh day of September A.D. 1886 before me Elisha L. Hamilton Vice Consul of the United States at Apia Samoa personally appeared William Coe who being solemnly sworn in due form of law doth depose and say that the paper annexed hereto is a true and correct copy of a certain paper writing the original of which has been compared with the said copy at the time of making this affidavit, and that the said copy is correct in all particulars including the blank spaces; that deponent first saw the original paper in the land office of the "Deutschen Handels & Plantagen Gesellschaft der Sudsee Inseln zu Hamburg;" that August Godde frey then the manager of said company applied to the German Consul General to drive the Samoan Chief Asi from the land then occupied by him in Matafagatele known as Malae-Talefata; that the Consul

General having demanded
the production of the deed under
which the said Company claimed
the land, the original aforesaid
was produced at the German con-
sulate for record whereupon
the said Consul General declined
to accept the same and ordered
the paper to be returned to the
the party who had signed it.
The facts were all stated to
me by Captain Zempoch the
Consul General aforesaid, and
I saw the deed, so called, filed
in the land office of the German Con
here as a title paper.
Deponent further states that
he obtained the said original pa-
per from asi at the request of
the Baker for his inspection.

Subscribed and sworn
to the day and year aforesaid
before me
E. L. Hamilton
U. S. V. Consul

3

Affd 2 N Co 6
blank deed affd
for a and 5 Comm
6 -

Note - History of
Legislation re NZ
as to native Land
Court.

J. E. McDonald
Ch. Judge
native Land Court
Auckland

Bumbury £50. } Chiefs -
King - 25. }
Cusack 15. }

Send Capt Hayward
Bagnall's Keeley letter -

Hal 46 RR 269

This Indenture
made the 2/ day of 3/ in the
year of our Lord One thousand eight
hundred & 3/ between 3/ 3/

belonging to 3/
of the first part, and Theodor Weber
from Hamburg, & merchant at Apia
Upolu, Samoa of the second part
witnesseth:
that the party of the first part, for
& in consideration of the sum of 3/

to 3/ in hand paid by the party of
the second part (the receipt of which
is hereby acknowledged) hath bargained
& sold, and by these presents does bar-
gain & sell unto the party of the
second part, his heirs & assigns for
ever, all 3/ certain piece or parcel of
land, situated at 3/

being the true & lawful owner thereof
said piece or parcel of land

hereafter described, being bounded &
measuring as follows, viz.

Together with all & singular the hereditaments & appertenances thereunto belonging, or in any wise appertaining, and also all the right title, interest, claim or demand whatsoever of the party of the first part, either in law or inequity of, in & to the above bargained premises & every part or parcel thereof, to have and to hold to the said party of the second part, his heirs and assignees for ever.

In witness whereof we have hereunto set our hands and seals, the day & year first above written.

Signed, sealed & delivered in the presence of
(Sig) H. Friedrechsen
(Sig) H. B. Sterndale
(Sig) Palagri

(Sig) Asi L.S. Party of the first part

(3) (3) L.S. Party of the second part

We the undersigned, hereby certify that the above instrument was read & translated to the party of the first part (as above mentioned) and who in our presence declared perfect knowledge of the above, and expressed entire satisfaction.

(Sig) H. F. H. Graht

270

" (Endorsement on the foregoing:)
Tusi o fanua oau
o Asi. I Apia.

Translation. Deed of lands from
Asi. at Apia.

" I certify that the foregoing is a
correct copy of the original compared
by me therewith.

E L Hamilton
U. S. Consul

131

F3 Not Locate 271 1

INCLOSURE F.3

Mulinuu,
23 Oktopa 1884

Ua silipia tagata uma O au o Malietoa le Tupu o Samoa O ou loa lelei o le fanua na tuu ai i le tusi na pii faatasi i le tusi nei na faatau o Alii Samoa e pule ai e le faapotopotoga Amerika ma Falani (Fōmoall). Au te molimau e ai ma fesoasoani ma faamanatu e ai le faapotopotoga Peritania na latou pii lenei fanua ma totogi uma le alii Samoa e pule ai le fanua Au te molimau e muamua lava le faatau o le faapotopotoga Amerika ma Falani (Fōmoall)

Malietoa le Tupu
o Samoa

Asi Iaimua
Iumanatafa Kawana
Sanah Faipule

I hereby certify that the above is a true copy of the original

Richard Hetherington
Barrister & Solicitor

H B Mis Consulate Samoa
Sept 18th 1886.

I hereby certify that I have compared the forgoing document with the certified copy of which it is a true and correct copy.

Wilfred Powell
H B Mis Consul

[Translation].

Now locate

272.

2

I Know all men I Malietoa King of Samoa well know that the lands described in the documents affixed hereto were properly sold by the Samoan Chiefs owners thereof to the American Company and Falani (Cornwall) I will bear witness to this and will assist and protect the British Company in their surveys of the lands and payments of sums due to the Samoan chiefs who sold the land And I testify that these lands were first sold to the American Company & Cornwall

Malietoa

King of Samoa.

Asi Taimua

Taimanatafa Governor Tuamasaga

Tuati Tupule

I Richard Hetherington of Apia in Samoa, Barrister & Solicitor do hereby certify that the above is a true and faithful translation of the original

Richard Hetherington.

I hereby certify that the above is a true copy of the translation of a certified copy.

H.B.M's Consulate Samoa

Sept 8th 1886.

Alfred Powell

H.B.M's Consul

3

INCLOSURE F.4.

N.Z. NATIVE LAND COURT OF NEW ZEALAND.

In New Zealand, the absolute rights of the natives to their lands are recognized, both by treaty and special legislation.

In the first instance, the Government claimed the right of preemption to native lands, which they construed, not into mere preemption, but sole right of purchase. This caused great dissatisfaction among both Europeans and natives.

After 1862, the right of dealing with natives in regard to land was thrown open to every body, as well as to the Government, with this qualification: that native lands must first be passed through the Native Land Court before which tribunal the native title was ascertained, and it was declared who the owners were, and then, either certificates of title or crown grants were issued to the person or persons so ascertained.

By legislation, at the last session of Parliament, private purchases from the natives have been virtually stopped (though not openly avowed) and it must now be done through the Government.

The first act creating the Native Land Court was passed in 1862, and there has been much subsequent legislation upon the subject. The jurisdiction of the Native Land Court refers only to the ascertainment of titles prior to the disposal of these lands by the natives

The Court consists of a chief judge and several associates, all of whom are white men, but some of whom must

understand the Maori language. There is an official interpreter who is sometimes a native. The chief judge is paid about eight hundred pounds a year, and the associate judges are paid from six hundred to seven hundred pounds a year.

95 The practice is, that whenever a white man wished to purchase a piece of land from the natives, he would go to them, deal with them and arrange the price, try to find out the owners and probably pay down something on account; though this transaction had no legal effect, ~~being~~ it was usually necessary as a prerequisite to obtain an application by the natives to have their titles ascertained by the Land Court. After the application is made to the Land Court it is extensively advertised in a newspaper published in the Maori language and a day fixed for hearing, which is had, whenever practicable, near the spot, when the testimony of the natives who appear is taken. Usually, there is no contest, but sometimes, cases excite great interest among the natives, and lawyers are employed on both sides.

After the Court has heard the evidence and given its decision as to who are the parties entitled, the proposed purchaser, who is usually present, has a conveyance drawn up, which is immediately executed by the natives to whom the title has been awarded, which must be in duplicate, the original being in the Maori language and the translation in English; and the correctness of the translation must be certified by an interpreter licensed by the Government. Then it must be presented to the Native Lands

275

Frauds Prevention Commissioner, an officer appointed by the ~~xxxxxxxxx~~ Governor, who inquires into the consideration, and ascertains that it has all been paid in money, and no part of it in amunition, intoxicating liquor or any similar commodity, and that the transaction is fair. The certificate of this officer must also be endorsed, and the deed is then recorded and a certificate of title, or its equivalent in a crown grant, is issued to the purchaser.

16

With respect to the investigation of old land claims prior to the establishment of the English Government in 1840, there were Lands Claims Commissioners who investigated such matters and ascertained from the natives whether they thoroughly understood the deeds and what they had sold, and whether they understood the consideration and whether it was reasonable and adequate.

At this time, the Government restricted the amount of lands which might be taken under any grant to 2560 acres, no matter what it purported to convey, or what was the amount of consideration. It it was shown that full payment had been made for a larger number of acres, the excess was taken by the Crown. This provision created great dissatisfaction, both among the settlers and among the natives, and the result was that people were slow to go before the Land Commission to have their titles adjudicated, preferring to rest upon their native titles, which were usually recognized by the natives themselves.

After contests, extending sometimes many years, claim-

ants who had been deprived of the excess of their purchases over the 2560 acres allowed, succeeded in obtaining compensation for what had been taken away from them.

Inclosure No 5.

I and owned by British Subjects in the Island of Upolu: 11,272-0-00
(out of Apia & vicinity)

UPOLU

Mapia

Vaiusu

Apia

Scale
0 1 2 3 4 5 6 7 8 9 10
Nautical Miles

Falealupo

Falealupo
4,375

Tagaloto

Satitoa

Asau

Fatuloa

Asau Land
86.000

7,160
Vaiusu

5,570
Salualua

Lata Land
35,000

SAVAII

Tagaloa

Owned by
British Subjects

Deeds recorded in the British Consulate = 219,800. Acres
Not recorded in the British Consulate = 26,469. "
Land belonging to Samoans
Land belonging to the Deutsche Handels & P. Gesellschaft

Scale
0 1 2 3 4 5 6 7 8 9 10
Nautical Miles

Reduced to 1/2 of original

Safune

Safoa

Matiatia

Saleaula

Atafu

Taafaoa

Taga

Safotulafai Land
40,000

Beitieh Enrclls

Safotulafai

Tufuia

Tufua
2,194

Salalamga

Tuva

Palai

Palia Land
20,000

Sulihaitea
6170

Land from
Saga Afeauma
38,800

Tufu

Tafua

Tagaloa

Outcast Un
acres } Surveyed Lands

Talia Land
35,000

Sulialiua
5,570

Asau Land
86,000

Sales of Arms.

277 is a/mark

INCLOSURE G.1

G. 1.

Apia, 12 July 1886

278

To his Excellency

Dr. Stuebel

German Consul General

Apia

Your Excellency

Sir.

I and my Government have received most correct accounts, the very truth itself, of the sales of guns and ammunition for war, by Mr. Weber and his Agents, to a portion of the Samoan people, known as the Rebels.

On this account I do most sincerely protest, Against the action of Mr. Weber and other foreign Merchants, with the greatest humility before your Excellency, the representative of his Majesty the Emperor of Germany, as such action is a direct violation of the law made by the Samoan Government at Mulinuu October 25. 1880. I shall be pleased to hear that you have succeeded in suppressing the conduct of which

which I have just been writing.

Your Excellency

I am

(Sig) Mamea (~~Signed~~) Malietoa

~~Acting Secretary of State~~ King of Samoa

I certify, that the foregoing is a correct translation of the foregoing letter made from ~~from~~ the copy thereof in the Government House at Apia.

E L Hamilton

U.S. Vice Consul

13

not to be sent

INCLOSURE G.2.

7.6.
G.2

Apia July 14th 1886

279

To his Majesty
King Malietoa

Your Majesty:

I received your letter written to me on July 12 ult. and this is my reply. I am not pleased with the selling of arms by the German Merchants, and I am working continually with them in order that they may cease from this business.

Yet from the time this law of October 25th 1880 was made by the Samoan Government, up to the present time, not one investigation or trial has been held for the breach of this regulation. The reason of this has been on account of the weakness of the Samoan Government. Foreign merchants from different parts of the world have sold guns to Samoans in the years lately past, and they still exhibit and offer guns to Samoans of each Government and will

Continue

continue to do so in the future.

It is the duty of the great powers to have this important matter adjusted properly - as for me I have already written to my Government on the subject

May you all live

I am

~~(signed)~~ Dr Stuebel

German Consul General

I certify that the foregoing is a correct translation of the original letter, signed by Dr Stuebel and on file at the Government House at Apia

E L Hamilton

U. S. V. Consul

31

G 3

7.7

Copy.

96

not to enter

INCLOSURE G.3.

U. S. Consulate

Apia, April 1st 1882.

280

Sir

I have the honor to acknowledge receipt of your dispatch of yesterday's date, with two enclosures from "Kaiserl Agentur der Deutschen Handels & Plantation Gesellschaft der Südsee Inseln zur Hamburg, August Godefroy-making complaint against Mr Nelson of Safune said to be under American Protection of having repeatedly imported and sold fire arms and ammunition in contravention to the Samoan law of the 25 of October, 1880, approved by three Consuls residing here.

In reply I have the honor to inform you that Mr Augustus Nelson of Safune Savaii, is under the protection of this Consulate.

I have also the honor to inform you that Mr Nelson will appear at this Consulate Monday May 15, 1882, to answer

answer to the above charge. I have to request that Mr Godefroy have the witnesses named in his complaint here at that time to substantiat their charge.

C. von Bertzen I have the honor to be
Acting Imperial G. Consul Sir
Apia Your obedient Servant
(Signed) J. E. Varick Atwood

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14

Norf. l.c. enclo

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INCLOSURE G.4.

84 7.8

Copy

U. S. Consulate

Asia, April 24 1882

281

August Grodyffroy Esq.

Sir

I have the honor to acknowledge the receipt of your letter of yesterdays with a complaint against Mr A. Nelson of Safunie, "selling arms and ammunition against the "order of prohibition issued by the Government &c. &c."

I have to inform you that Mr Nelson will appear at this Consulate on Monday May 15th 1882 to answer your complaint I have to request that you will have the witnesses mentioned in your letter, here on that date, to substantiate the charge.

I have the honor to be

Sir

Your obedient Servant

Signed L. E. Vanek Alvord.

Act. U. S. Vice Consul

31

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INCLOSURE G.5

G 5 7.9.

U. S. Consulate

Apia, April 14 1882

282

Mr Augustus Nelson

Sir

I have to inform you Haupt Agentur der Deutches Handes & Plantagen Gesellsch der Sudsee Inseln yar Hamburg August Godefroy have lodged a complaint through the Kaiserlich Deutsches Konsulat fur Die Sudsee Inseln in this Consulate against you for selling fire-arms and ammunition in Savaii contrary to laws of the King and Government of Samoa dated the 20 day of October A. D. 1880.

You will therefore please call at this Consulate this day to answer to the above charge

I have honor to be Sir

(Signed) J. E. Varick Alvord

Act. U. S. Vice Consul.

3

not le cuite

INCLOSURE G.6

Copy.

56 4

71,10

U. S. Consulate

Apia, May 15th 1882

283

G. Von Oertzen Esq.

Acting Imperial German Consul

Sir.

At a Court held at this Consulate to day before myself and Tuiatafu relative to a complaint made by "Deutsches Handels und Plantagen Gesellschaft" against Mr A. Nelson of Savaii viz "that he had at divers "times unlawfully sold to Samoans arms and ammunition "at Savaii contrary to the laws of the King and Government of "Samoa &c. &c.

I have the honor to inform you that Mr Nelson pleaded Guilty to the charge - In consequence of certain extenuating circumstances he was fined $50.00 and the costs of court.

I have the honor to be Sir

Your obedient Servant.

(Signed) J. C. Veriek Alvord

Act. U. S. Vice Consul.

(Signed)

131

5

G. 7 7, 11.

Copy

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INCLOSURE G. 7

U. S. Consulate

Apia May 15th 1882

284

To His Majesty

Malietoa Laupepa

King of Samoa

Sire.

I have the honor to inform you that the complaint against Mr A. Nelson of Safune, Savaii, for selling guns and ammunition in contravention of the laws of the 25th Oct. 1880 and approved by the Consuls residing here, was this day heard.

Mr A. Nelson pleaded guilty of the charge but stated that he (did not) sell any arms until all the foreigners around him had sold them, and he swore he had never heard of the said Law.

Decision of Court fined $50.00 and costs of Court.

I have the honor to be Your Majesty's most obedient Servant

J. E. Patrick Alvord

Act. U. S. Vice Consul.

48RR

not to be sent

INCLOSURE G.8

G 8

6

U. S. Consulate

Apia, May 17. 1882.

285

G. von Bertzen Esq

Act. Imperial German Consul

Sir

I have the honor to acknowledge the receipt of your letter with two vouchers relative to "the expenses incurred by bringing up witnesses in "Re. Nelson."

In answer I have the honor to inform you that the witnesses for the plaintiff having come to substantiate his charge, and without summons from this Consulate will of course pay their own expenses.

I have the honor to return the two vouchers, and close the correspondence so far as this case is concerned.

I have the honor to be Sir

Your obedient Servant

~~Signed~~ J. E. Variet Alvord

Act. U.S. Vice Consul.

not to be sent

INCLOSURE G.9.

286

Sept. 6th 1886.

I G. B. Pritchard (Junior)
Make oath and say that from the
20th of August 1886. up to the pre-
sent time, the German firm of Deutchen
Handels und Plantagen &c."
have through their agent P. Jensen
at Salailua on Savaii sold firearms
to the Natives of Samoa.

The Natives do not take the
arms away but put their names on
them and pay for them by degrees
in Copra, some have already half-
paid the value of the Rifles.

I am of the opinion, that in case of
war breaking out, they would be
allowed to take the rifles away from
the store without further payment.

The rifles in question are Snider
rifles and the price is fifty dol-
lars ($50. oo). I have seen sixteen
of these rifles in the store at the
same time.

P. Jansen has also cartridges
which he is selling with the
rifles

rifles.

(Signed) George Baker Pritchard

Witness

(Signed) Robert Fletcher

Sworn at the British Consulate

Samoa this sixth day of Sept. 1886.

Before me

(Signed) Wilfred Powell

H.M. Deputy Commissioner & Consul.

Seal of the British Consulate

121

INCLOSURE H.1

PROCLAMATION.

We, the Consuls of Germany, Great Britain, and the United States of America hereby give notice that WE, AND OUR GOUVERNMENTS DO NOT, and NEVER HAVE, IN ANY WAY RECOGNIZED TAMASESE AS KING OF SAMOA, and order all Samoans to return to their homes and remain quiet and peaceable.

And we further demand the continued inforcement of the Convention especially with regard to the Neutral Territory of Apia.

DR. STUEBEL,
Imperial German Consul General.

WILFRED POWELL,
H. B. M. Consul.

B. GREENEBAUM,
United States Consul.

Apia, May 27th 1886.

INCLOSURE H.2.

I LUGA O LE "MOHICAN" LE

Manuao Unaite Setete i le Taulaga i APIA, Iuni 8 1886.

O i matou nei ua tofia mai le Malo o Malietoa, ma i matou ua tofia mai i a Tamasese ma lana itu 'au.

Matou te matua tauto atu i le faamaoni o lenei Feagaiga

(1.) Ia amata mai i le aso nei, ia oo atu i aso o lumanai, o le a tumau le filemu i Samoa ia oo i le faavavau.

(2.) O itu 'au foi e lua, Malietoa ma Tamasese o le a nonofo nei lava i le fealofani ma le faaleaiga.

(3.) Ia amata lava i le aso nei e lepetia 'Olo uma ae maise foi e le toe feaveai o fana ma auupega eseese e uiga i taua e tagata uma o Samoa.

O le faamaoni ma lona mau ua tuuina atu ai o matou lima atoa ma o matou faailoga i le aso ma le tausaga ua muamua ona tusia.

ALII a TAMASESE:	ALII a MALIETOA:
Uo	Aiono
Leavai	Toomata
Aualiitia	Leituala † faailoga
Ili	Molioo
L. Amitua	Utumapu
Su'a F.	Naea
Maiava	Pau † lona faailoga
	Selu.

O i matou o Alii tofia o itu Malo tetele matou te molimau i lenei feagaiga fealofani.

U. S. SHIP OF WAR

MOHICAN

APIA Harbor, June 8th 1886.

We the representatives of Malietoa and his Government, and we the representatives of Tamasese and his party, do hereby solemnly swear to the following agreement.

(1.) That from this day forward there shall be perpetual peace in Samoa.

(2.) That the two Parties of Malietoa and Tamasese, shall live in friendship and cordial relations.

(3.) That from this date forward all forts shall be destroyed and that no firearms of a defensive nature shall be carried by any Samoan.

TAMASESE'S CHIEFS:	MALIETOA'S CHIEFS:
Uo	Aiono
Leavai.	Toomata
Aualiitia	Leituala † his mark
Ili	Molioo
L. Amitua	Utumapu
Su'a	Naea
Maiava	Pau † his mark
	Selu.

We the Representatives of the Great Governments are hereby witnesses to the signing of this agreement of friendship.

DR STUEBEL,
Imperial German Consul General.

B. GREENEBAUM,
United States Consul.

WILFRED POWELL
Her Britannic Majesty's Consul.

From THE SAMOA TIMES,
SATURDAY, SEPTEMBER 21, 1878.

CONSTITUTION FOR SAMOA.

The terms for which the first Taimua, consisting of seven members, had been elected in 1873 having expired for some time, the Faipules of the different districts in Samoa elected, in January, 1875, two Kings to represent the two families of Malietoa and Tupua, fearing that otherwise troubles would arise, and besides a Taimua of fourteen was appointed. The Kings were publicly proclaimed at Mulinuu on the 7th of January, 1875, and the Foreign Consuls were then asked to draft a Constitution for the Samoan Government adapted to the circumstances then existing, and to assist in establishing the same on a proper footing; also a committee of seven Taimua members was appointed to consult with the Consuls. The latter then went to work at once and succeeded in a few weeks so far as to be able to submit the more essential points of the following document for consultation to the said committee. After lengthy deliberations the largest portion of the proposals made by the Consuls had been got through, and were accepted with some alterations. A good number of meetings had already taken place, and laws were being framed to regulate matters wherein the interests of natives and foreigners clashed, when the U.S.S. Tuscarora arrived in Samoa, on the 1st of April, 1875, with Col. Steinberger, in consequence whereof the matter was dropped entirely by the Taimua and Faipule.

The points of interrogation (?) mark matters which were left to be the subject of future deliberation.

The Kings.

1.—There shall be elected by the Faipule, two Kings; one, from the Malietoa family, and one from the Tupua family. The Kings, or either of them, cannot be deposed except by vote of four-fifths (?) of the Faipule.

2.—In case of the death of either of the Kings a meeting of the Faipule shall be immediately called, by the Taimua, to elect his successor.

3.—It shall be lawful for the Faipule to limit the dignity of the King to one representative of either the Malietoa or Tupua family, and his heirs for all time coming.

4.—The Kings in coming into authority shall take the following oath:—"O au o le Tupu, &c., &c."

5.—The Kings shall convene a Session of the Faipule once a year, in the month of December, which Session is not to extend beyond four weeks duration. They shall open and dissolve the said Sessions of the Faipule in person.

6.—They must, at the request of two-thirds (?) of the Taimua, convene an extraordinary meeting of the Faipule.

7.—It shall be the duty of the Kings to see that the Taimua rightly discharge their duties according to the Constitution; and in case of any flagrant neglect of duty they shall have power to convene an extraordinary meeting of the Faipule, at which meeting they shall without delay require the Faipule to investigate the matter, and if it be deemed necessary depose the member or members of the Taimua.

8.—The Kings shall have the right of being present at all meetings, and taking part in all discussions of the Taimua. They shall also have an equal vote with any other member of the Taimua.

9.—All measures passed by the Taimua or Faipule shall require the signatures of the Kings and President of the Taimua before they come into force.

10.—In case of the death of any member of the Taimua the Kings shall at once appoint a Faipule to fill up the vacancy temporarily, as more particularly specified under the Taimua—Art. 3.

11.—The Kings with the sanction of the Taimua shall have the power to commute sentence of death to imprisonment for life.

The Taimua.

1.—There shall be elected by the Faipule for a term of not less than one year, and not more than three years, fourteen Taimua, who shall be eligible for re-election, and who shall remain in office until their successors are elected.

2.—No member of the Taimua can be deposed from office except by a vote of two-thirds (?) of the Faipule, in which case they shall at once fill up such vacancy. In case of bad conduct, however, any member or members may be suspended by a vote of two-thirds of the remainder till the next meeting of the Faipule.

3.—In case of a vacancy occurring among the Taimua, on account of death, the Kings shall, without delay, appoint a substitute, who shall remain in office only until the next ordinary meeting of the Faipule, when the vacancy shall be filled up.

4.—The Taimua on coming into office shall take the following oath:—"O au o le Taimua, &c., &c."

5.—The entire responsibility of the Government of Samoa rests with the Taimua.

6.—The Taimua shall receive and acknowledge Representatives of Foreign Nations, have the power to make treaties, appoint all Government Officers, superintend all financial matters, and take charge of Government property.

7.—They shall elect one of their number, who shall preside at, open, and close all their meetings, preserve order, and take the votes. He shall only be entitled to vote himself in case of an equality of votes. He shall also sign all official correspondence.

8.—They shall appoint a secretary, who shall keep records of all their proceedings, and carry on all correspondence.

9.—They shall appoint a treasurer, who shall keep all accounts and manage all financial business.

10.—They shall appoint three standing committees of their number, each to consist of three members; one, to keep an oversight of all incoming and outgoing moneys, and annually audit the treasurer's accounts; a second to superintend all Government officers, and see that they rightly discharge their respective duties; and a third, to superintend the public roads and Government buildings, and see that these are duly kept in repair; these committees to give a monthly report to the whole Taimua.

11.—They shall present a statement to the Faipule during each December session of all important measures transacted by them during the year, and also a statement of the income and expenditure during the year, and an estimate of the same for the following year.

12.—No meeting of the Taimua shall be held unless ten of their number be present; and no member shall be allowed to absent himself from the seat of government for a longer period than three days without obtaining special permission from an ordinary meeting of the Taimua.

13.—The Taimua alone shall have the power to alter any law or article of the Constitution or to add any new law; but such addition or alteration can only be made after three months notice has been given to the Council (au filifili?), the Consuls of the Foreign Nations and the Representatives of Foreigners in Samoa. They shall consult with the Consuls and obtain their advice before any such law, &c., can be carried into effect, in order that the hearty co-operation and good-will of the great nations may be secured. They shall also give due consideration to any objection of the (au filifili) Council against such alteration of Constitution or enactment of new laws, but no such objection of the Council can have the force of a veto on the action of the Taimua.

14.—No law shall be enacted or any alteration of the Constitution made affecting the interests of foreign residents, unless after having duly consulted their Representatives and obtained their consent.

The Faipule.

1.—There shall be appointed by each State (itu malo) forty (?) Faipule, whose names shall be enrolled in a book kept by the Taimua for the purpose. They shall be in office for two years, shall be [illegible] for re-election, and shall remain [illegible] until their successors are elected.

2.—The Faipule on coming into office shall take the following oath: "O au o le [illegible], &c."

3.—The Faipule shall once a year during the month of December (?), on being summoned by the Kings assemble at the seat of Government, for the purpose of receiving the annual reports of the Taimua, filling up vacancies among the Taimua, and transacting any other business which may be necessary or which may be brought before them by the Taimua—250 (?) to form a quorum. They shall also, on receiving a special summons from either the Taimua or the Kings, immediately assemble at the seat of Government for the transaction of any extraordinary business, such as specified under "Kings," Articles II and VII.

4.—No Faipule shall be at liberty to bring up any matter for consideration without first giving notice of it in writing to the President, who shall read the same to the Faipule on the day previous to its discussion.

5.—Any new law or amendment, or alteration of any law or article of the Constitution, passed by the Taimua, may be repealed only by a majority of four-fifths (?) of the Faipule who are present at the annual meeting.

6.—They shall elect one of their number who shall preside at, open, and close all their meetings, preserve order, and take votes.

7.—They shall appoint a secretary, who shall keep records of all their proceedings.

8.—The Faipule shall appoint eight (?) of their members from each district to remain at the seat of Government, for the purpose of aiding the Taimua by their advice when necessary, and of laying before the Taimua for their consideration any measures which they may desire to be carried into law; the President of the Faipule ex officio to be a member of this Council. They shall be called the "au filifili" (?) (Council,) and their names shall be enrolled in a book kept for the purpose by the Taimua.

9.—Any measures which the Council (au filifili) may wish to bring under the consideration of the Taimua must be presented to them in writing; but it shall be lawful for a deputation of them to meet the Taimua for consultation on any case in which the Taimua may specially require it.

10.—No member of the Faipule can be deposed from office except by a vote of 200 of his fellow members, when the place thus becoming vacant shall be at once filled up by the State which appointed him. Any member or members of the au filifili may be suspended by a vote of two-thirds of the remainder, till the next meeting of the Faipule, when the case shall be decided as above.

The Faamasino.

1.—The Taimua shall appoint one Chief Judge and two assistant Judges, who shall hold a Supreme Court at the seat of Government, try all capital offences and all cases of appeal from any of the District Judges. Two Judges may hold the Court.

2.—The Taimua shall appoint as many District Judges as may be necessary, not exceeding thirty, who shall try all ordinary cases that may arise within their jurisdiction.

3.—The Judges on coming into office shall take the following oath: "O au o le Faamasino, &c., &c."

4.—The Judges shall hold their appointments for life, unless they prove to be incapable, or are found guilty by the Taimua of bad conduct, or any flagrant breach of the laws; in any which case they shall be at once deposed by the Taimua, and the vacancy or vacancies thus caused filled without delay.

5.—The District Judges shall keep records of all cases brought before them, and of the sentence passed by them. They shall send an abstract thereof every month to the Chief Judge, and report what sentences have been carried out. They shall at the same time remit all fees and fines which have been collected to the treasurer. The Chief Judge shall also present an abstract of the whole, quarterly, to the Taimua. He shall also pass over monthly to the Treasurer all moneys collected for fees and fines at the Supreme Court.

6.—The District Judges shall proclaim all new laws, or alteration of the laws or Constitution, and collect all taxes imposed by the Government, forwarding them at once to the Treasurer. They shall keep full accounts of the same; a copy of which they shall also send on to the Taimua without delay.

7.—No District Judge shall be at liberty to leave his district for more than one week without the special permission of the Chief Judge, who shall appoint some one to act in his stead during his absence.

8.—No Judge of the Supreme Court shall be at liberty to leave the seat of Government for more than three days without the permission of the Taimua, who shall appoint some one to act during his absence.

The Leoleo.

1.—The Taimua shall appoint twenty Leoleo for the seat of Government, and twenty Leoleo for each State (itu malo), whose duties shall be to keep the peace, preserve order, arrest criminals and dis-

orderly persons, and carry out the orders of the Judges, under whose authority they shall be. The Leoleo at the seat of Government shall also act as messengers to the Taimua.

2.—The Leoleo upon entering upon office shall take the following oath:—"O au o le Leoleo, &c., &c."

3.—They shall remain in office as long as they conduct themselves with propriety. In the case of any of them being guilty of bad conduct, the District Judge shall at once suspend him from office, appoint some one to act in his place temporarily, and report the matter to the Chief Judge, who shall investigate the case, punish the Leoleo, and report to the Taimua, who shall then if necessary make a new appointment.

4.—The Leoleo shall wear a distinguishing dress, to be decided on by the Taimua, and no other person shall be at liberty to wear it. This dress shall be supplied by the Government, and looked upon as Government property.

5.—The Leoleo shall have the right to make arrests, to quell disturbances, and to call in the aid, when absolutely necessary, of any person.

6.—If any Leoleo arrests any person contrary to law he shall be liable to suspension and punishment, according to Law III.

7.—No Leoleo shall be at liberty to leave the district in which he has his appointment for more than twenty-four hours, without having obtained special permission from the Judge of the District, who shall appoint a substitute for him before he grants the leave applied for.

ESTIMATE OF ANNUAL INCOME.

Poll tax ($2 per annum for every male, to be levied half-yearly), say	$20,000:00
Fees, fines, &c., say	5,000:00
	$25,000:00

EXPENDITURE.

Two Kings, $[illegible] each.....	$1,000:00
14 Taimua, @ $200 each.....	2,800:00
57 Au Filifili, @ $30 each ...	1,710:00
223 Faipule, @ $10 each.....	2,230:00
Chief Judge	200:00
2 Assistant Judges, @ $100 each	200:00
30 District Judges, @ $60 each	1,800:00
20 Government Leoleo, $50 each	1,000:00
104 District Leoleo, @ $25 each	3,500:00
Secretary of Taimua	100:00
Secretary of Faipule	60:00
Treasurer	200:00
Stationery, &c.....	100:00
1 Gaoler	60:00
2 Assistant Gaolers, @ $50...	100:00
	$15,060:00
Total income.....	25,000:00
Total expenditure	15,060:00
Balance.....	$9,940:00

Balance to be expended in erecting Government buildings, repairing roads, and providing for all expenses not included in the above estimate of expenditure.

Enclosure I. 2

294

Draft proposals.—Mr. Thurston.

SAMOAN COUNCILS OF STATE.

(1.)

THE KING'S COUNCIL, OR TAIMUA.

1. This Council to consist of the King, the Vice-King, three Foreign Nominees, as hereafter provided, and chiefs from the several districts of Samoa, in number as follows:—

From Aana	.....	2;
From Atua	.....	2;
From Apolima and Manono	.....	1;
From Savaii	.....	6;
From Tuamasaga	.....	2;
From Tutuila, Mauna, Olosega, Ofa and Aunuu	.....	2

2. The King and Vice-King to be of the Malietoa and Tupua families, with succession to the Kingship alternating in the two families.

3. The chiefs of the King's Council, or Taimua, to be elected by the people of the districts named, and to hold their seats for life but with liberty to resign, and subject to removal for treason, felony, or other high misdemeanour.

4. All vacancies of natives occurring in the Council to be filled as originally, by the election of the people.

5. There should be three Foreign Members of the King's Council nominated by Germany, Great Britain, and the United States of America. These officers should hold the posts of Chief Secretary and Leader of Government, Treasurer, and Secretary for Lands and Works, as may be agreed upon by the three Powers.

6. These three officers should have seats in the lower Council and join in its debates.

7. Provision for the salary of the three offices provided for above should be secured by a permanent Appropriation Act, and no officer filling either of such offices should be dismissed from his post except in manner to be provided for by law.

8. A certain number (say three) Native Members of the King's Council should be charged with such executive duties as might be necessary, and for which they appeared competent. These offices to be held subject to good behaviour.

9. The King's Council should appoint the Chief Magistrate of Samoa and all minor magistrates. The Chief Magistrate should be an American or European.

10. The King's Council should appoint all the offices required for the administration of public affairs in the districts.

The Governors or Head Chiefs of Districts to be those elected or actually recognised as such by the people.

11. The King with the advice of the Council should have the right of *veto*.

12. In the absence of the King the Chief Secretary should be President of the Council.

13. The President should have a casting as well as a deliberative vote.

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(2)

THE LEGISLATIVE ASSEMBLY, OR FAIPULE.

1. The Assembly to meet annually in the month of at such place as shall have been decided upon at the annual meeting next preceding.

2. The first meeting to be at

3. The Assembly to consist of representatives from the before-mentioned districts who should be elected triennialy, one representative to be elected for every 2,000 people in the districts severally.

4. The Chief Secretary, The Treasurer, and the Secretary for Lands and Works, to have seats in the Assembly.

5. The Assembly should elect its Chairman and officers.

6. All Laws, including those in respect of Revenue and Expenditure, to originate in and be passed by the Legislative Assembly; but no laws should in any way affect the Municipality of Apia which, for the present, may be compared to a Free City.

7. No laws to be passed affecting the jurisdiction of Her Britannic Majesty's High Commissioner's Court, nor the Consular Courts of other Foreign Powers, excepting of the nature and to the extent that may be determined by Treaty.

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(3)

APIA MUNICIPAL COUNCIL.

1. The Municipal Council to consist of nine Members, of whom the Consuls of the Treaty Powers should each appoint three, not necessarily their own countrymen.

2. All Regulations passed by the Council under Art. III of the Convention of the 2nd September, 1879, before becoming law to be referred to such Cons[illegible] hereinafter called the "Consular Board," who should either approve and retu[illegible] Regulations or suggest such amendments as may be deemed necessary by a m[illegible]jority of such Board.

3

3. Should such amendment not be accepted by the Council, the Consular Board thereupon to appoint a day (not later than one month from the date of such appointment) for the further consideration by the Council of the proposed amendments. Should the suggested amendments of the Consular Board be adopted the amended Regulation thereupon to become law. Provided always that any Regulation as originally proposed should become law if passed by a majority of two-thirds of the full Council at any meeting subsequent to the day appointed as aforesaid, and provided further that such Regulation did not conflict with the jurisdiction of the High Commissioner's or Consular Courts, of which the Board should be the sole judges.

The Chief Magistrate of Samoa to be the Magistrate for the Municipality of Apia. He should have jurisdiction over all persons whatsoever in respect of breaches of the Municipal Regulations and in respect of such other matters as may be conceded by the Powers possessing Treaty relation with Samoa.

Excepting as regards matters so conceded, the Municipal Magistrate should have no jurisdiction over subjects or citizens of either of the Treaty Powers or over any persons properly under their protection in respect of things provided for by any Act or Order in Council heretofore or hereafter to be passed by either of such Powers under Treaty rights establishing Consular or other Courts of Judicature in the Samoan Islands.

Hints Re future Govt. Samoa

Gal 374

296

The principal object of any Govt. in these Islands should be to improve the condition of the natives as well as to give security to the foreigners. To do this effectively what is good in the native laws and customs should be preserved.

The Governing Power should be natives assisted by intelligent and trustworthy foreigners.

The three Countries interested should agree to give one of their number Control. Triangular Control would be impracticable.

The Governor or Resident appointed by the controlling Power to be approved by the other two, and to be empowered to call in the assistance of any Ship of War of necessary belonging to any of the three Contracting Powers.

The Govt. of these Islands should in any way be effected by European Complications, otherwise matters here would be kept in a constant state of suspense.

Neither Germany nor Britain are in a position to assume and maintain unbroken Control over these Islands

German interests are in the hands of the Company and German Rule would be for the benefit of that Co alone. The Co would really be the Ruling power. German policy in Samoa would be very much guided by, and subservient to their general foreign policy.

Britain is much in the same position, although her interests here are spread over a greater number of people. Recent events have shown that the British Foreign Office cannot be trusted to stand firm by weak races, and Authorities; when pressure is brought to bear on it by another great Power.

The United States is the only Power interested in Samoa that is perfectly independent, and can not be influenced by outside complications. On that account she is the only Power that can secure to Samoa a stable and independent Govt in the future.

Samoa and Tonga controlled by the U.S. & the Australasian Colonies, would form healthy stations on the great commercial route between the two great English speaking nations of America and Australasia.

The Executive Govt should be a Governor appointed by the United States and approved by Britain and Germany assisted by the High Chiefs Malietoa and Tamasese. Such two high Chiefs would represent the two great parties into which the Country is divided, and the foreign Governor would of course represent the interests of the three Powers.

This body would have the sole power of appointing and dismissing Officials.

All the laws should be made by a representative body composed of the principle Chiefs. This body to be assisted by a White secretary appointed by the Governors.

The Govt should consist of three departments. namely the Judicial which would include the Police & Land Survey and Public Works. and the Treasury and Revenue departments.

Foreign treaties like alterations of the Customs duties for Revenue purposes can be agreed at the principle ports with the group.

The Governing machinery in force at the present time to be utilized as much as possible.

The Samoans will never unite under one King the party feeling existing now has been the growth of generations. Malietoa & Tamasese as the acknowledged heads of their respective parties make them equal Governors with the Governor appointed by the three powers and you remove all cause of complaint. and you can use these Chiefs for the purpose of governing the Country.

297

(1) That he believes that if the better classes of the foreign element living in Samoa were to take control of the Government and administer it properly, that they would not only find such action beneficial to themselves, but that they would, as soon as their designs were well ~~considered~~ understood, have the assistance of all the natives who would see in this movement prospect of a lasting peace and freedom from the machinations of would-be kings.

(2) That as it is self-evident that there is not in Samoa a native chief who is competent to rule more than a small native community, it is the opinion of the writer that these chiefs should be no longer suffered to misrule more territory than the districts to which they respectively belong, and that even in this, they should be more or less under the control of a central government at Apia.

(3) That as it is absolutely necessary for a foreigner to act as premier, such foreigner should, if possible, be of such nationality as has the greatest interest at stake in Samoa.

(4) That it is equally necessary-that from four to six other foreigners of mixed nationalities should assist as cabinet ministers, and they, in turn, have the assistance of from 10 to 20 of the most advanced natives and half-casts as subordinates.

(5) All government employees to be obliged to devote their whole time to their duties and not engage in other business.

(6). That employees of the government be paid moderate salaries, and the necessary funds for such purpose and for the other uses of the government to be raised by a pole tax, by import duties on spirits and other goods sufficient only to defray the working expenses, and to erect a few necessary buildings for public purposes.

(7) That it be provided for in the beginning that after a certain period, say two or three years, all offices become vacant and candidates be offerred and elected to fill the vacancies, and that any officer who has faithfully performed his duties is eligible for re-election.

The writer could add much more on the subject, but will refrain from so doing, adding only a rough estimate of the probable cost of paying Government employees as suggested.

The whole affair would, necessarily, be very primitive indeed, but would, nevertheless, be a vast improvement ofver the present inaction.

Premier	$ 2500
Chief Justice	2000
3 Ministers, $1500	4500
1 Secretary	1200
1 "	1000
3 Secretaries $900	2700
1 Pilot (Apia)	1200
1 " (Matauta)	100
10 Governors, $600	6000
10 Faamasinoi $400	4000
10 Sherifs, $240	2400
10 Under-Sheriffs $120	1200
40 Petty Chiefs, $120	4800
80 Leo-Leos, $ 60	4800
20 Soldiers (Apia), $200	4000
1 Officer	600
1 "	400
Land	7000
Buildings & boats	8400
Estras etc.etc.	5000
	$71000

RESOURCES

Poll Tax $2.00 on 25000		50000
Apia Municipal Rates		6000
Spirit Tax pr. Gal. 75c	8000 Gal	6000
Beer " Dz 62½	6000 dz	3750
Ad valorem 3½% on $350000 imposts		12250
		$78000

Emile Faleomo

(44

Wellington Draft

(B)

H. B. Majesty's Consulate
Samoa
27th September 1886

300

Sir:

I have the honour to inform you that I have received a dispatch from Her Majesty's Secretary of State for Foreign Affairs in which I am instructed to request you to retire from the office of Municipal Magistrate at the expiration of six months from the 3rd of April last.

At the same time I would venture to convey to you my expressions of regret on losing the services as Police Magistrate of so able and efficient an officer as you have proved yourself to be.

I am Sir
Your most obedient humble servant
Signed Wilfred Powell
H. B. Ms. Consul

Thos. Mabon Esqre
Municipal Magistrate
Apia

3

Copie [Inclosure] K. 27

Apia
1st October 1886

301

Sir

I have the honour to acknowledge the receipt of your letter of the 27th instant in which you state that you have received instructions from the Secretary of State for Foreign Affairs to request me to retire from the position of Municipal Magistrate of Apia; at the same time expressing your regret at losing the services, as Police Magistrate, of so able and efficient an Officer as I have proved myself to be.

In reply to your letter I beg to say that as you have given me no reasons whatever as to why this remarkable request is made, I feel compelled to assert my rights as a free-man and to tell you that I do not consider myself the servant of the British Foreign Office but of the Municipal Board, and when a majority of that body who elected me request me to resign I shall do so but not till then. Had I been guilty of any dereliction of duty in my Capacity as Magistrate I could have understood being asked to retire, but after reading the concluding paragraph of your letter I certainly feel that I would be acting an undignified part were I quietly to submit to the demand of an authority that in this case I do not recognize.

In most civilized Countries where men are employed in an official Capacity without any definite term being given for their retiring, they — if they have performed

the duties of their office faithfully – generally at timely notice that their services will be dispensed with or a money equivalent for the same, but in this case you, or as you state the British Foreign Office, request me to retire from a purely local and hitherto non-political position when the doing so would cancel any just claim I could have for compensation on account of no notice having been given to me. This I consider not only an unfair but an arbitrary request.

For these reasons I shall not voluntarily resign my position as Municipal Magistrate in accordance with the request contained in your letter, but will call and submit to the decision of the Municipal Board.

I am Sir
Your obedient Servant
Thos Mabon

To Wilfrid Powell Esqr
H. B. Mts Consul.

MUNICIPALITY

OF

APIA.

MUNICIPAL REGULATIONS,

1879—1886.

MUNICIPAL BOARD,

March, 1886.

DR STUEBEL, ... Imperial German Consul General;

WILFRED POWELL ESQ., ... Her Britanic Majesty's Consul;

B. GREENEBAUM ESQ. ..... United States Consul;

Messrs H. Martin RUGE, S. DEAN, J. E. V. ALVORD;

Treasurer, ... H. Martin RUGE;

Collector ..... Municipal Magistrate.

Health Officer, ... Dr Ross M. B;

Pilot ..... A. SCHMIDT;

Municipal Magistrate .. T. MABEN.

303

MUNICIPAL REGULATIONS.

Concerning the Treasurer.

III.—A Treasurer shall be elected whose duty it shall be to take charge of all public monies, and to disburse them only under an order from the Municipal Board. The Treasurer shall receive as compensation for his services a commission not to exceed ~~five~~ per cent, of all public monies paid into the Treasury during his term of office.

LVI.—The Treasurer shall receive and take charge of all monies payable to the Municipality and give receipts for the same.

LVII.--The Treasurer shall not pay out any such monies except on a draft approved by the Municipal Board, or on a written order from the Municipal Board.

LVIII.— The Treasurer shall keep an account of all monies received and disbursed, which accouut he shall render to the Municipal Board at their mee.ing on the first Friday of each quarter.

Dated at Apia, Samoa, December 6th, 1879 and January 12th, 1880.

Concerning Public Houses and Intoxicating Drinks.

VIII.—No one shall have the right to sell intoxicating drinks by retail without first obtaining a licence from the Municipal Board of Apia, which license shall be paid for quarterly in advance on the first day of January, April, July, and October at the rate of ~~Ten (10) Dollars~~ per month, provided his sales of such drinks do not exceed Two Hundred and Fifty (250) Dollars per month; and at the rate of Twelve (12) Dollars per mouth if his sales of such drinks exceed Two Hundred and Fifty (250) Dollars per month.

IX.—Any one convicted of selling intoxicating drinks by retail without a license shall be fined not to exceed Fifty (50) Dollars, (and one half of the fine imposed shall be paid to the informer,) or shall be imprisoned with or without hard labour not to exceed Six Weeks.

Note.—*Retail means less than an original case or less than two gallons of liquor imported in bulk.*

X.— Any licensed publican who shall sell or supply any intoxicating drink to a Samoan, or to any native of the Islands of the Pacific Ocean, shall on conviction be fined Five (5) Dollars, or shall be imprisoned Six Days. Such conviction shall be endorsed on his license by the Magistrate, and when two such endorsements have been made thereon, the offender's license shall be cancelled immediately.

XI.— No licensed public house shall be opened to the public before 5 a.m. nor after 11 p.m. on week days; nor before 1 p.m. nor after 11 p.m. on Sundays unless a special license has first been obtained for the occasion. Any breach of this regulation shall be punished by a fine of Ten (10) Dollars,

Dollars, and such breach thereof shall be endorsed on the offender's license which may be cancelled for the third offence.

XII.—Any licensed publican who shall sell or supply liquor to any person in a state of intoxication shall on conviction thereof be fined not to exceed ~~Five (5) Dollars~~, and for the third offence his license may be cancelled.

Regulations XIII. and XIV, Amended.

XIII.—Any person who shall supply or sell any intoxicating drink to a Samoan, or to any other Islander of the Pacific Ocean, without a written order from a person permitted to give such an order, shall be fined, not to exceed Twenty-Five (25) Dollars, or imprisoned, not to exceed thirty days.

XIV.— Any Pacific Islander found intoxicated, or in possession of intoxicating liquor on his person or his premises, shall be fined, not to exceed Ten (10) dollars, or imprisoned, not to exceed twelve days.

On reasonable suspicion, the police are authorised to enter any native house to make arrests and confiscate any intoxicating liquor.

Dated, Apia, 2nd May, 1884.

XV.—Any person found intoxicated and disorderly on the pnblic highways shall be fined not to exceed Ten (10) Dollars, or shall be imprisoned with or without hard labour not to exceed Twelve Days, and shall be liable for any injury or damage done.

Dated at Apia, Samoa, December 31st, 1879.

CVIII.—Any person supplying or conveying, or causing to be supplied or conveyed, any intoxicating liquor on board of any vessel in the harbour of Apia without an order in writing signed by the Master of such vessel shall, on conviction, be fined not to exceed Fifty (50) Dollars, or Sixty (60) Days' imprisonment. If a licensed publican or boatman be convicted of the above offence he shall be liable to have his license cancelled.

Dated at Apia, Samoa, April 1st, a.d. 1881.

Concerning Firearms.

XVI.—On and after the first day of January, 1880 the sale of firearms and ammunition is hereby prohibited without a special license from the Municipal Board. Any breach of this regulation shall be punished by a fine not to exceed Two Hundred (200) Dollars, (and one half of the fine imposed shall be paid to the informer), or by imprisonment not to exceed Six Months with or without hard labour, or by both fine and imprisonment not to exceed the above-mentioned penalties.

Concerning Trades and Professions.

XVII.—Any person following or exercising any of the professions, trades or callings enumerated in the schedule annexed to this regulation, whether jointly with any other profession, trade or calling, or otherwise, shall take out a license and pay a license fee at the rate per year set forth in said schedule. All such licenses shall on application be issued by the Municipal Board for three, six, nine or twelve months on payment in advance of the quarterly fee required in respect of each profession, trade

or

or calling, and in all cases licenses shall date from the first day of January, April, July or October, and shall expire on the last day of March, June, September or December, as the case may be.

XVIII.—Person exercising, following or engaging in any of the professions, trades or callings enumerated in the schedule aforesaid without a license at any time after the lapse of seven days from the first day of the months of January, April, July and October respectively shall on conviction in a summary manner forfeit a sum not exceeding ~~One Hundred~~ (100) ~~Dollars~~, or in default of payment shall be imprisoned not to exceed Seventy-Five Days.

XIX.—There shall be five classes of licenses in general for stores.

SCHEDULE.

Class I.

All stores whose monthly sales are above ~~Two Thousand~~ (2000) ~~Dollars~~ shall pay for a first-class license at the rate of One Hundred (100) Dollars per annum.

Class II.

All stores whose monthly sales are below Two Thousand (2000) Dollars and above One Thousand (1000) Dollars shall pay for a second class license at the rate of Forty-eight (48) Dollars per annum.

Class III.

All stores whose monthly sales are below One Thousand (1000) Dollars and above Five Hundred (500) Dollars shall pay for a third class license at the rate of Thirty-six (36) Dollars per annum.

Class IV.

All stores whose monthly sales are below Five Hundred (500) Dollars and above Two Hundred and Fifty (250) Dollars shall pay for a fourth class license at the rate of Twenty-four (24) Dollars per annum.

Class V.

All stores whose monthly sales are below Two Hundred and Fifty (250) Dollars shall pay for a fifth class license at the rate of Twelve (12) Dollars per annum.

Special Licenses.

Nature of License.	Per annum.
Attorney, Barrister or Solicitor	60:00
Auctioneer or Commission Agent	24:00
Baker	12:00
Banks or Companies carrying on banking business	60:00
Barber	6:00
Blacksmith	6:00
Boatbuilder	6:00
Butcher	12:00
Cargo boat or ligter, plying for hire	6:00
Carpenter	6:00
Photographer or Artist (not employed)	12:00
Engineer	12:00
do assistant	6:00
do apprentice	3:00
Pilot	24:00
Printing Press	12:00
Sailmaker (not employed)	6:00
Shipbuilder	6:00
Shoemaker	6:00
Surveyor of Land	6:00
Tailor	6:00
Waterman (not employed) for each boat	6:00

LXXIV. Every Salesman, Book-keeper and Clerk, whose salary, wage, or pay does not exceed ~~Seventy-five~~ (75) ~~Dollars~~ per month, shall take out a License, for which he shall pay Three (3) Dollars per annum, and every such person whose salary, wages, or pay exceeds Seventy-five (75) Dollars per month, shall take out a License, for which he shall pay Six (6) Dollars per annum. Any violation of this and the preceeding regulation shall be punished according to Regulation XVIII. Board and lodging provided by the employer to be reckoned as salary at the rate of ~~Thirty Dollars~~ per month.

Unlicensed Traders.

XX. All persons other than licenced butchers selling fresh meat within the Municipality shall pay a tax of One per cent on their sales.

Concerning Fast Riding.

XXV.—Fast riding through the streets of Apia is hereby prohibited, and the police are hereby authorised and instructed to arrest any person violating this regulation, who shall be fined not to exceed Five (5) Dollars, or who shall be imprisoned with or without hard labour not to exceed Six Days for each offence, and shall be liable for injury and damages done.

Concerning Animals.

XXVI.—Any person tying horses or cattle in such a manner that the animals may be on the public roads and paths, or so that the ropes may extend across said roads and paths, shall be fined not to exceed Two (2) Dollars for each offence of each such animal, and shall be liable for injury and damages done.

This regulation shall not be so construed as to apply to horses and vehicles in waiting in front of any premises, provided that the same do not in any way obstruct the free passage of the road.

dated, Apia, 3rd October, 1884.

XXVII.—For stray animals within the Municipality of Apia the fines shall be as follows, viz. :—

For a horse,	not to exceed	—	—	$5:00
,, ,, bull	,, ,,	—	—	5:00
,, ,, cow or a calf	,, ,,	—	—	3:00
,, ,, pig or a hog	,, ,,	—	—	1:00
,, ,, sheep	,, ,,	—	—	0:25
,, ,, goat	,, ,,	—	—	0:25

and the owner shall be liable for injury and damages done.

Concerning Public Exposure.

XXVIII.—The police are hereby authorised and instructed to warn any one when necessary against the indecent exposure of his person in public, and against committing any nuisance in any public place under penalty of being fined not to exceed Five (5) Dollars for each such offence, or of being imprisoned with or without hard labour not to exceed Six Days.

Concerning public Gatherings.

XXIX.— Public assemblies of Samoans from districts outside the Tuamasaga territory will not be allowed within the Municipality of Apia without special permission from the Municipal Board. And on all such occasions the discharge of firearms is hereby prohibited when other than blank cartridges are used.

Concerning Prisoners and Deserters.

XXX.— Anyone harbouring or concealing any escaped prisoner, or deserter from a ship of war or merchant vessel shall be fined not to exceed Ten (10) Dollars, or imprisoned not to exceed Twelve Days with or without hard labour for each offence.

XXXI.— Anyone aiding a prisoner to escape or a sailor to desert from a vessel shall be fined not to exceed Ten (10) Dollars, or shall be imprisoned with or without hard labour not to exceed Twelve days.

Concerning Assaults Upon Public Officers.

XXXII.—Anyone assaulting or in anywise molesting any member of the Municipal Board shall be fined not to exceed Two Hundred (200) Dollars, or shall be imprisoned with or without hard labour not to exceed Six Months, or shall be fined and imprisoned not to exceed the before-mentioned penalties.

Concerning Taxes.

XXXIII.— A tax of one per cent. shall be levied on the real value of all houses and lands, except churches, hospitals and schools, within the town and district of Apia, payable to the Treasurer quarterly in advance.

LXXXIII.—So much of Regulation XXXIII. as applies to the property of Samoans, or other natives of the Pacific Ocean, is hereby repealed and a Poll Tax of One (1) Dollar per annum, payable in advance, shall be levied on all male adult Samoans, or other male adult Islanders of the Pacific Ocean, resident within the Municipality.

LXXXVI.—Any person who shall neglect or refuse to comply with the provisions of Municipal Regulations XXXIII., XXXIV., and LXXXIII, shall on conviction be fined not to exceed One Hundred (100) Dollars, or in default shall be imprisoned not to exceed Seventy-five days.

XXXIV.—All male persons of the age of twenty-one years, except ministers of the Gospel, priests, teachers and representatives of foreign Governments, not paying taxes or licenses otherwise, shall pay a head tax of One (1) Dollar each annually in advance.

Concerning Police.

XXXV.—There shall be one Chief of Police for the Municipality of Apia, and as many subordinates as may be necessary to preserve good order and to protect the lives and property of those within the Municipality.

XXXVI.—All policemen shall be appointed by the Municipal Board, and shall be subject only to their authority and instructions and hold office during their pleasure.

XXXVII.—The Chief of Police shall have the right to nominate his subordinates, but their appointment must be confirmed by the Municipal Board; or said nominations may be rejected by the Municipal Board who may then nominate and appoint such subordinate policemen as they deem most suitable.

XXXIX.—There shal be a place were the Chief of Police can be found when not on duty, and his subordinates shall report to him at such times and places as he may direct.

XL.—Any member of the police force who shall receive any remuneration, other than his salary, for any official service, shall pay the same to the Municipal Board, or be liable to be dismissed.

XLI.—Any person interfering with a police officer in the discharge of his official duties shall on conviction be fined not to exceed Fifty (50) Dollars, or shall be imprisoned with or without hard labour not to exceed Six Weeks for each offence, or shall be both fined and imprisoned.

XLII.—Any policeman who shall leave the service without permission, or without a fortnight's previous notice of his intention to do so, shall forfeit his wages, and may be punished otherwise.

Dated at Apia, Samoa, December 31st. 1879.

Concerning the Magistrate.

LIX.—The Magistrate's Court shall be open every day in the week (except Sundays, Christmas, New Year's Day, Good Friday, Boxing Day, March 22nd, May 24, and July 4) for the hearing of cases between the hours of 10 a.m. and 4 p.m.

LX.—The Magistrate shall hand over to the Municipal Board for examination the minute book of the Magistrate's Court at their sitting on the first Friday in each month.

LXI.—The Magistrate shall hold his Court at such place as may be provided for him.

LXII.—The Magistrate shall hold his office during the term for which he is appointed by the Municipal Board.

Concerning the Port of Apia.

LXIV.—All vessels (except those belonging to the Samoan Group and engaged in the inter-island or coasting trade,) coming into and leaving the harbour of Apia, shall take the pilot licensed by the Municipal Board.

LXV.—The Pilotage shall be at the rate of ~~(£5) Dollar~~ per foot draught of water in, and ~~One (1) Dollar~~ per foot draught of water out of port, and the Pilot may arrange with any captain for extra service, towing, use of boat, &c., &c.

LXVI.—All vessels coming into the port of Apia shall be anchored in such a position as the Pilot may direct.

Alteration in Regulation LXVI.

To read after the first sentence:—

For changing any vessel from her moorings from one part of the harbour to another, the Pilot shall receive Five Dollars.

Dated, Apia, 2nd May, 1884.

(11)

309

LXVII.—The master of any vessel desiring to change her from one place in the harbour to another shall notify the Pilot, who shall direct the removal, unless he has good and sufficient reason to the contrary.

LXVIII.— The Pilot may order the removal of any vessel so anchored as to obstruct the navigation in or out of the Harbour, or for any other good and sufficient reason ; and any master of a vessel who shall refuse to comply with such order shall be liable to a fine of Ten (10) Dollars.

LXIX.—The throwing of ballast into the harbour is hereby strictly prohibited. And all masters, or persons in command of vessels arriving in the port of Apia, and having ballast to discharge, shall notify the Pilot who will inform them where to deposit the same ; and the Pilot shall take such precautions as he may deem necessary, when any vessel is receving or discharging ballast, to prevent the same from falling into the harbour. And if any master or mate of a vessel receiving or discharging ballast shall neglect the necessary measures to prevent the same from falling overboard, on complaint of the Pilot a policeman shall be placed on board such vessel at the vessel's expence to observe and report such carelessness or neglect, and the master of such vessel shall on conviction be fined for the first offence not to exceed One Hundred (100) Dollars, nor less than Ten (10) Dollars and costs of suit, and for each subsequent conviction the fine shall be doubled.

LXX.—If any master or person in command of any vessel shall have reason to complain of any action of the Pilot he shall make such complaint to the Municipal Board.

LXXI.—A printed copy of the above regulations shall be handed by the Pilot to the master or person in command of every vessel which he may bring into port,

Dated Apia, Samoa, January 12th, 1880.

Concerning the City Front.

LXXV.— Since it is desirable for the Public Health that the sea-breeze should circulate freely through the town and not be intercepted by buildings near the water along the shore of the harbour, all persons are hereby warned against Erecting or Repairing buildings or structures of any kind whatever on the north or sea-side of the present public road between the store of Thomas Throod in Matafele, and the store of Messrs. Ruge, Hedemann and Co., Matautu, without special permission from the Municipal Board, which permission will only be granted for the erection of boat houses and similar small structures near the water. Any violation of this regulation shall be punished by a fine not exceeding One Hundred (100) Dollars, or three months' imprisonment with or without hard labour.

Dated Apia, Samoa, January 30, A.D. 1880.

MUNICIPAL REGULATIONS

CONCERNING SUPERVISORS.

XLIV.—The Supervisors are hereby authorised to hold stated meetings on the first Monday in each month.

XLV.—The Supervisors shall keep a minute book of their meetings, and report once a quarter all business transactions to the Municipal Board; and publish annually the first week in January in the local newspaper a full report of the receipts and disbursements on account of the Municipality during the past year.

XLVI.—So much of Municipal Regulation IV. Vol. I., No. 1, 1879, as says, "and, as their office is an honorary one, they shall not receive any compensation," is hereby repealed, and each Supervisor shall be paid for his official services, when the funds of the Municipality will admit of it, Five ($5) Dollars for every day on which they hold a meeting.

XLVII.—The Supervisors shall examine, and recommend to the Municipal Board for allowance, or otherwise, all accounts and claims against the Municipality.

XLVIII.—The Supervisors are hereby authorised and empowered to lay out and direct a survey of all roads, streets, and alleys necessary for the public convenience and health within the Municipality, and to make the same of an uniform width and even grade as far as possible. They shall also make drains and put in sewers where required, and establish ferries or construct bridges according to the public need, or let contracts for the abovenamed improvements.

XLIX.—The Supervisors are hereby empowered to lease or purchase any real or personal property necessary for the town and district of Apia, *provided* no purchase of real property shall be made unless the value of the same be precisely estimated by three disinterested persons to be appointed by the Municipal Board.

L.—The Supervisors are hereby authorised to lease or erect and furnish a court house, gaol, hospital, and such other public buildings as may be necessary, and to keep the same in repair.

LI.—The Supervisors shall act as a Board of Equalization, and, within ten days after the Assessor has reported the assessment completed, they shall give public notice at least ten days before the time when and where they will meet to hear and determine any complaints in regard to the assessment, and to make such changes therein as they may deem necessary in order that justice may be done.

LII.—The Supervisors shall control the prosecution and defence of all suits to which the Municipality is a party.

LIII.—No person shall sue the Municipality in any case or for any demand, unless he shall first present his claim or demand to the Supervisors for allowance. If the demand is rejected the Municipality may be sued, and if in such action the plaintiff fail to recover more than the Supervisors offered to allow he shall not recover costs.

LIV.—Any tax-payer or license-holder may appear before the Supervisors and oppose any claim or demand whatsoever.

LV.—The Supervisors are hereby authorised to draw drafts on the Treasurer to defray public expenses approved by the Municipal Board.

CONCERNING THE TREASURER.

LVI.—The Treasurer shall receive and take charge of all monies payable to the Municipality, and give receipts for the same.

LVII.—The Treasurer shall not pay out any such monies except on a dr of the Supervisors approved by the Municipal Board, or on a written order the Municipal Board.

LVIII.—The Treasurer shall keep an account of all monies received bursed, which account he shall render to the Municipal Board at their r the first Friday of each quarter.

CONCERNING THE MAGISTRATE.

LIX.—The Magistrate's Court shall be open every day in the week (except Sundays, Christmas, New Year's Day, Good Friday, Boxing Day, March 22nd, May 24, and July 4) for the hearing of cases between the hours of 10 a.m. and 4 p.m.

LX.—The Magistrate shall hand over to the Municipal Board for examination the minute book of the Magistrate's Court at their sitting on the first Friday in each month.

LXI.—The Magistrate shall hold his Court at such place as may be provided for him.

LXII.—The Magistrate shall hold his office during the term for which he is appointed by the Municipal Board.

LXIII.—All appeals from the Magistrate's decisions must be taken to the Municipal Board.

CONCERNING THE PORT OF APIA.

LXIV.—All vessels (except those belonging to the Samoan Group and engaged in the inter-island or coasting trade,) coming into and leaving the harbour of Apia, shall take the pilot licensed by the Municipal Board.

LXV.—The Pilotage shall be at the rate of One ($1) Dollar per foot draught of water in, and One ($1) Dollar per foot draught of water out of port, and the Pilot may arrange with any captain for extra service, towing, use of boat, &c., &c.

LXVI.—All vessels coming into the port of Apia shall be anchored in such a position as the Pilot may direct. For mooring any vessel in the Small Harbour, or for unmooring and hauling any vessel out of the Small Harbour into the large, or for changing any vessel from one part of the Large Harbour to another the Pilot shall receive Five ($5) Dollars extra pay.

LXVII.—The master of any vessel desiring to change her from one place in the harbour to another shall notify the Pilot, who shall direct the removal, unless he has good and sufficient reason to the contrary.

LXVIII.—The Pilot may order the removal of any vessel so anchored as to obstruct the navigation in or out of the Harbour, or for any other good and sufficient reason; and any master of a vessel who shall refuse to comply with such order shall be liable to a fine of Ten ($10) Dollars.

LXIX.—The throwing of ballast into the harbour is hereby strictly prohibited. And all masters, or persons in command of vessels arriving in the port of Apia, and having ballast to discharge, shall notify the Pilot who will inform them where to deposit the same; and the Pilot shall take such precautions as he may deem necessary, when any vessel is receiving or discharging ballast, to prevent the same from falling into the harbour. And if any master or mate of a vessel receiving or discharging ballast shall neglect the necessary measures to prevent the same from falling overboard, on complaint of the Pilot a policeman shall be placed on board such vessel at the vessel's expense to observe and report such carelessness or neglect; and the master of such vessel shall on conviction be fined for the first offence not to exceed One Hundred ($100) Dollars, nor less than Ten ($10) Dollars and costs of suit, and for each subsequent conviction the fine shall be doubled.

LXX.—If any master or person in command of any vessel shall have reason to complain of any action of the Pilot he shall make such complaint to the Municipal Board.

LXXI.—A printed copy of the above regulations shall be handed by the Pilot to the master or person in command of every vessel which he may bring into port.

CONCERNING COMMUNICATIONS.

LXXII.—All communications intended for the Municipal Board should be addressed to the Secretary, Thomas M. Dawson, U. S. Consul, Apia, Samoa.

Done at Apia, Samoa, January 12, A.D. 1880.

Municipal Board of the Town and District of Apia.

ZEMBSCH,
Imperial German Consul-General;

THOMAS M. DAWSON,
United States Consul;

J. HICKS GRAVES,
Her Britannic Majesty's Consul.

Concerning Offences.

LXXVI. Any person who shall commit any of the offences specified in the schedule hereto annexed shall be liable to punishment by fine or imprisonment or both of such penalties within the limits prescribed and set opposite to such offence in the said schedule.

SCHEDULE.

Offence.	Penalty.			
	Fine.		Imprisonment with or without hard labour.	
	Maximum	Minimum	Maximum	Minimum
Burglary or housebreaking.	$200	$10	180 days	12 days
Breach of the peace or riot	$15	$1:25	18 days	1½ days
Language or conduct calculated to provoke a breach of the peace	$15	$1:25	18 days	1½ days
Assault (except as provided in Regulations XXXII. and XLI.)	$25	$1:25	30 days	1½ days
Challenging to fight, or two or more persons fighting.	$15	$1:25	18 days	1½ days
Keeping a disorderly house	$10	$1:25	12 days	1½ days
Petit larceny (stealing personal property under the value of ~~fifty~~ (50) ~~dollars,~~ or theft or receiving stolen goods.	$50	$5	60 days	6 days
Malicious injury and cruelty to animals	$25 and damages	$1:25 and damages	30 days	1½ days
Malicious injury to property	$25 and damages	$1:25 and damages	30 days	1½ days
Contempt of court	$10	$1:25	12 days	1½ days
Obscene or profane language in a public place	$10	$1:25	12 days	1½ days
Perjury			90 days	30 days
Illegal detention of animals or personal property	$5	$1:25	6 days	1½ days

Dated Apia, Samoa, February 21, A.D. 1880.

312

Concerning the Municipal Board.

LXXVIII.—Each of the Consuls shall appoint a representative of his nation who shall be a member of the Municipal Board, and each nation having a treaty with Samoa and a Consul at Apia, shall also be represented on the Municipal Board by one of that nation.

LXXX.—The Consular members of the Municipal Board will hereafter act as an Appellate Court, to hear all Appeals from the Magistrate's decisions, and they must approve all regulations for the Government of the Municipality before they can be issued or have any binding force upon their countrymen.

Dated at Apia, Samoa, March 8th, 1880.

Concerning Trading Vessels.

LXXXIV.—The captain, owner, or supercargo of every vessel entering the waters of the Municipality for the purpose of trading shall take out a licence within twenty four hours after arrival. Licenses may be obtained from the Treasurer on payment of the sum of Ten (10) Dollars. Any breach of this Regulation shall be punished by a fine not to exceed Two Hundred (200) Dollars.

LXXXV.—A printed copy of the preceeding Regulation shall be furnished by the Pilot to the master or supercargo of each trading vessel on her arrival in harbour.

Dated at Apia, Samoa, May 12th 1880.

Concerning Appeals.

LXXXVII.—After the hearing and decision of any complaint by the Municipal Magistrate every person against whom judgment is rendered shall be entitled to appeal from such decision to the Consular Members of the Municipal Board, provided always that such appeal shall be made by notice given to the Municipal Magistrate within one week from the date of such decision, provided further that in all cases where the decision appealed against imposes fine or imprisonment security shall be given by the Appellant to the Municipal Magistrate that he will comply with the decision which the Appellate Court shall pronounce upon such appeal. Upon such notice and security being given as aforesaid the execution of the decision of the Municipal Magistrate shall be postponed pending the appeal. All appeals shall be heard by the Appellate Court at as early a date as shall be possible after the date of the said notice of appeal, and persons concerned shall be notified of such hearing. No appeal shall lie on account of any defect in form. If it shall appear to the Appellate Court that any appeal has been made upon frivolous grounds then, and in such case, payment of costs may be placed upon the Appellant by the Court. The Appellate Court may upon the hearing of any appeal re-hear the evidence adduced in the Court below or may not, and may refer the case to the Magistrate for re-hearing, and may alter, amend, or annul the decision of the Magistrate, The costs of hearing an appeel shall not exceed Twenty-Five (25) Dollars.

Dated at Apia, Samoa, June 25th, 1880.

313

Concerning Samoan Warriors.

LXXXVIII.—In view of the present civil war in Samoa, the Municipal Board of Apia, acting under Article IX. of the Convention of September 2nd, 1879, by which they are authorised in case of civil war to "frame and issue such regulations as may be considered necessary for the support and maintenance of neutrality" within the Neutral Territory, hereby adopt as Municipal Regulations for Neutral Territory the following Regulations as promulgated by the Government of Samoa.

LXXXIX.— Ua matua sa lava se tagata tau e toe sau i totonu o le Eleele Sa, ma ni auupega e fai ai taua.

XC.—Ua faasaina foi se tagata tau e sau tafatafao vale i le Eleele Sa.

XCI.—Afai e iloa se tagata tau i le Eleele Sa, ia taofia e Leoleo, ma ia fesili i ai poo lea lana feau. Afai o se feau tatau, ua lelei; ae afai o se feau faatauvaa, a ua le moe i le Eleele Sa. Afai foi o se mai ia faaalia i Leoleo lea mai pe moni.

XCII.—Afai ua tonu o le feau faatauvaa ma ua le faalogo foi o ia i le faatonu o le leoleo, ia taofia e le Leoleo lea tagata.

XCIII.— Afai e faamasinoina ma ua tonu ua ana solia se fuaiupu o lenei tulafono, e faasalaina o ia e le sili i le lima o tala, pe tuu i le fale puipui e le sili i aso e ono ma faigaluega mamafa, pe leai.

XCIV.—E amata ona faasaina lenei tulafono i le vai aso e lima i le afiafi taeao.

XCV.—E le faasaina mai ma manua e aumai i le fomai.

XCVI.—E le faasaina foi le faatau o ie ma Tapaa, ae le mafai lava ona moe iinei, e faapea foi vaa e aumai ai mea e 'ai e le sili i tagata e toalua. Afai o se vaa tele e le sili i tagata e toafa. Ua faia e Taimua ma Faipule.

MALIETOA LAUPEPA,
Le Sui Tupu.

Dated at Apia, Samoa, December 4th, a.d. 1880.

Concerning Quarantine.

XCVII.—A Health Officer shall be appointed for the Municipality of Apia, who shall act under the Quarantine Laws passed by the Municipal Board.

CIX.—Section 1. A Quarantine Commission for the Municipality of Apia is hereby appointed, consisting of the three Consuls, who shall give orders in regard to vessels to be kept in quarantine as each case may require.

Section 2. To prevent the introduction of infectious or contagious diseases in the town of Apia, no communication, except by signal, shall be held with or from any vessel coming from beyond Samoa into the waters of the Municipality of Apia, before the Master of each vessel has signed the Certificate and Bond hereto attached, or before the Health Officer has admitted such vessel to pratique.

MUNICIPAL REGULATIONS.

PUBLIC OFFICERS, 1881.

XCVIII.—Mr. H. Martin Ruge having been elected Treasurer, and Mr. Henry G. Hayes, Collector for the Municipality of Apia, for the year 1881, at a public meeting of the Foreign Residents of Apia, held in the Court-house on December 29th, 1880, their election is hereby approved.

XCIX.—Messrs. H. M. Ruge, James Laurenson, and Henry G. Hayes are hereby appointed Members of the Municipal Board for the Town and District of Apia till January 1, 1882.

Dated at Apia, Samoa, December 31st, A.D. 1880.

ZEMBSCH, Imperial German Consul-General.
THOMAS M. DAWSON, United States Consul.
J. HICKS GRAVES, Her Britannic Majesty's Consul.

TAXES, 1881.

C.—Regulations XXXIII. and XXXIV., Vol I., No. 2, January 7, 1880 Municipal Regulations, are continued in force for the year 1881, and the Municipal Board will meet at the Court-house in Matafele on the first Monday in February at ten a.m., to sit as a Board of Equalization to adjust any changes deemed desirable in the Tax Roll according to the assessment of last year.

QUARANTINE.—(Continued.)

CI.—The Health Officer of Apia shall receive a fee of $2:50 for every vessel which he boards under the Quarantine Regulations, and the free use of a boat to and from such vessels. All other services of the Health Officer shall be paid for extra. All expenses caused to the Municipality on account of any such vessel under the Quarantine Regulations shall be defrayed by such vessel.

SAMOAN WARRIORS.—(Continued.)

CII.—All arms found on any Samoan warrior within the Neutral Territory shall be seized by the Police, delivered to the Magistrate, and disposed of in such manner as the Municipal Board shall direct.

I LE TALITANE.

CIII.—Afai o se fafine Samoa e talitane anā e totogi o ia, ona alu atu ai lea i le Ofisa su'e ma'i e mau i Apia o le atu tasi i le vai aso sa taitasi uma e maua le tusi e faapea i ai, o lenei fafine e le ma'i afi poo se ma'i faapena. E totogi afatala lenā fafine i le tusi. Afai se fafine e solia lenei sauniga e faasalaina o ia e le sili i tala e lua sefulu ma le lima ($25) i se soliga e tasi.

Dated at Apia, Samoa, January 18th, A.D. 1881.

Municipal Board of the Town and District of Apia:

ZEMBSCH, Imperial German Consul-General.
THOMAS M. DAWSON, United States Consul.
J. HICKS GRAVES, Her Britannic Majesty's Consul.
H. MARTIN RUGE.
JAMES LAURENSON.
HENRY G. HAYES.

NOTICE.

THE FOREIGN RESIDENTS of the Town and District of Apia are hereby invited to attend a Public Meeting at the Court-house in Matafele, on Wednesday Evening, December 29th, at Eight o'clock, to elect a Treasurer and a Collector for the Municipality of Apia for the ensuing year, each of whom will be required to give Bonds in the sum of Two Thousand ($2000) Dollars, and will not, by virtue of their election be Members of the Municipal Board.

Dated at Apia, December 23rd, A.D. 1880.

ZEMBSCH, Imperial German Consul-General.
THOMAS M. DAWSON, United States Consul.
J. HICKS GRAVES, Her Britannic Majesty's Consul.

S 77

(68)

315

Section 3. The Pilot, or his substitute, shall go to every vessel nearing this port and coming from beyond Samoa, approching her on the windward side, taking with him a yellow flag. Before boarding any such vessel he shall have a blank Certificate and Bond, in the form hereto attached, delivered to the Master. Upon completion, signing, and delivering of said Certificate and Bond, the Pilot may board the vessel, and she may enter the port.

Section 4. In case the Master declines to subscribe the Certificate and Bond the Pilot shall not go on board, but shall direct the Master to hoist a yellow flag at the fore (if there is no yellow flag on board the vessel the Pilot shall supply the same) and to remain off the port or proceed to the appointed quarantine ground or elsewhere, and anchor where the Pilot may direct, and the Pilot shall at once report to the Health Officer.

Section 5. Provided always that the Pilot may board a vessel under any circumstances if by his not doing so her safety would be endangered. Should the Pilot have been obliged to board a vessel coming from beyond Samoa the Master of which declines to sign the Certificate and Bond, then the Pilot shall order the yellow flag to be hoisted and remain on board until the Health Officer has admitted the vessel to pratique, or has disinfected the Pilot, his boat's crew, and boat, properly according to circumstances, and has given permission to the Pilot to leave.

Section 6. The Master of any vessel coming from beyond Samoa shall hoist the yellow flag immediately after being directed so to do by the Pilot, and shall keep the same hoisted until the Health Officer has admitted the vessel to pratique and ordered the yellow flag to be hauled down ; and the Master or other officer of such vessel shall not allow any communication with or from such vessel except by signal or by the Health Officer until she has been admitted to pratique by the Health Officer.

Section 7. The Health officer on seeing a vessel hoist the yellow flag or on receiving information from the Pilot, shall proceed to the vessel and approach her to windward within speaking distance. He shall then by questioning the master ascertain the reason why the former declines to sign the Certificate and Bond.

Section 8. If from the answers of the Master he has good reason to suspect that the vessel has any contagion on board, he shall order the vessel to remain in quarantine, to keep the yellow flag hoisted, and he shall at once report to the Quarantine Commissioners, who shall meet as soon as possible to investigate the case and decide according to circumstances.

Section 9. If the Health Officer has good reason to believe that there is no contagion on board such vessel he may go on board and examine her Bill of Health, her log-book and journal, and inspect her crew and passengers.

Section 10. If the Health Officer finds after inspection that there is no danger of any contagion being on board, he may admit the vessel to pratique and order the yellow flag to be hauled down.

Schedule

316

Section 11. If he finds there is danger of any contagion being on board, he shall order the vessel to remain in quarantine, to keep the yellow flag hoisted, and he shall report to the Quarantine Commissioners, taking good care after leaving the ship to disinfect himself and his boat's crew and boat, as circumstances may require, before he lands or communicates with any other vessel or boat.

Section 12. Every Master and every Surgeon of any vessel which shall have sailed from a place where there shall have existed at the time of such sailling any infectious or contagious disease, or which shall have communicated otherwise than by signal with any vessel or place in which such contagious or infectious disease existed shall make a true declaration of such circumstances to the Pilot and Health Officer, who shall come on board or alongside such vessel.

Section 13. Every master or surgeon of a vessel which shall have on board any person affected with any contagious or infectious disease shall declare the same to the Pilot and Health Officer, and shall not attempt to conceal from the Health Officer any person so affected, and shall bring every person on board such vessel before the Health Officer at his request for inspection, and the Master of any vessel shall on the demand of the Health Officer produce for inspection by him the log-book and journal of such vessel.

Section 14. Every person on board of any vessel arriving at the port of Apia shall answer truthfully, and without evasion, any question that may be put to him by the Health Officer or Pilot, in order to find out whether there is danger of any contagion being on board such vessel.

Section 15. No person, save as herein before provided, shall approach or leave any vessel, on board of which the yellow flag is hoisted, until she has been admitted to pratique by the Health Officer and the yellow flag has been hauled down.

Section 16. A quarantine fee shall be payed by all vessels coming from beyond Samoa as follows;--Vessels whose tonnage does not exceed 50 tons, 50 cents; vessels whose tonnage is over 50 tons and does not exceed 100 tons, $1; vessels whose tonnage exceeds 100 tons shall pay 1 Dollar more for every 100 tons or fraction thereof, and such fee shall be paid to the Treasurer of the Municipality.

Section 17. Any person committing a breach of any of the above Quarantine Begulations shall, on conviction, be punished by a fine not to exceed 200 Dollars or by imprisonment, with or without hard labour, not to exceed Six months, or by both these penalties.

Section 18. All expences caused to the Municipality by any vessel with regard to Quarantine, shall be borne by such vessel, or by the Master, Owners, Agents or Consignees thereof, and such vessel or persons shall be held responsible for the recovery of such expences.

Section 19. Should any of the statements contained in the Certificate signed by the Master of any vessel be proved to be untrue, then the Master of such vessel shall forfeit the sum stated in the Bond, or any part of such sum according to the decision of the Quarantine Commissioners, and such sum shall be recoverable in the manner provided by Section 17.

Section 20. All forfeits or fines levied or paid for breaches of Quarantine Regulations shall be paid to the Municipal Treasurer, to the credit of the Quarantine Fund, which shall be used by the Municipal Board to defray public expences with regard to the public health of the Municipality.

Section 21. No owner or any person whatever on board or connected with any vessel put in quarantine, nor any person importing or exporting or intending to export any goods or cargo in any such vessel shall have any claim against the Municipality for detention or any loss or expense incurred in connection with quarantine.

Dated at Apia, Samoa, April 1st, a.d. 1881.

The Quarantine Commission of the Municipality, as appointed by Regulation CIX, issue this New Regulation.

Concerning Infection.

1. Any one having any infectious disorder on his premises, and not declaring such to the Secretary of the Board, shall be liable to a fine of Two Hundred (200) Dollars or six months imprisonment.

2. It shall be lawful for the Quarantine Commission, on the report of the Health Officer, to declare any premises infected, to cause them to be isolated, and to have the Quarantine flag hoisted thereon. No communication with the outside must then be held, except through a properly appointed channel, under a penalty of Two Hundred (200) Dollars, or six months imprisonment.

3. Any one from the outside found communicating with the infected premises, except through the appointed channel, will be liable to a fine of ~~Two Hundred~~ (200) ~~Dollars~~, or six months imprisonment, He will also remain in quarantine.

4. — The isolation will terminate on the favourable report of the Health Officer.

Dated at Apia, Samoa, July 4th, 1884.

CXI.—The Pilot shall receive at least Five (5) Dollars pilotage from every vessel he boards under the Quarantine Regulations.

Dated, Apia, Samoa, April 29th, a.d. 1881.

318

CERTIFICTE AND BOND.

I, 3 , 3 , Master of the , 3 ,

, of 3 , hereby most truly

declare that the name of the Port at which the vessel under my command

originally cleared from for the present voyage was 3 ,

which port I left 3 , days ago.

No epidemic or infectious or contagious disease existed at the said port or in its vicinity within a short time previous to my departure, nor has this been the case at any other port or ports at which I have since called.

No person on board my vessel has been sized by or died of any infectious or contagious disease during my present voyage, nor have I heard of any such disease on board of any vessel that I have communicated with on my way to this place.

I hereby bind myself in the sum of ~~One Thousand~~ ($1000) ~~Dollars~~ for the truth of the above statements, to be forfeited if after investigation by the Quarantine Commissioners of the Municipality of Apia any one of such statements be found to be untrue.

Given on board the 3 , this 12 day

of 3 , 188 .

3 , 3 , Master.

Samoan Warriors.—(Continued.)

CII.—All arms found on any Samoan warrior within the Neutral Territory shall be seized by the Police, delivered to the Magistrate, and disposed of in such manner as the Municipal Board shall direct

I Le Talitane.

CIII.—Afai o se fafine Samoa e talitane auā e totogi o ia, ona alu atu ai lea i le Ofisa su'e ma'i e mau i Apia o le atu tasi i le vai aso sa taitasi uma e maua le tusi e faapea i ai, o lenei fafine e le ma'i afi poo se ma'i faapena. E totogi seleni e tasi lenā fafine i le tusi. Afai se fafine e solia lenei sauniga e faasalaina o ia e le sili i tala lua sefulu ma le lima (25) i se soliga e tasi poo tunina o ia i le fale puipui e le sili i aso e tolugafulu.

Dated at Apia, Samoa, March 5th, 1881.

Concerning Violations of the Neutral Territory.

CXII.—If the Consuls receive informations that a violation of the Neutral Territory has been committed they shall inquire into the matter, and if after inquiry they are of opinion that such violation has been committed they shall summon the person or persons accused of committing such violation before them and try him or them in conjunction with the Native Judge. Any person convicted of a violation of the Neutral Territory shall be punished by a fine not exceeding ~~Two Hundred~~ (200) ~~Dollars~~, or imprisonment not exceeding Six Months with or without hard labour, or by both fine and imprisonment not exceeding the above-mentioned penalties. This Regulation shall not apply to offence against Regulations LXXXIX. to XCVI. inclusive.

Dated at Apia, Samoa, May 6, 1881.

CXII.—Afai e faalogo Konesulate uma ua solia le Eleele Sā, latou te suesueina, ma ua taofi ua solia, ona faaali atu ai lea i le tagata e toatasi. poo tagata e toatele ua molia. Ua latou solia e o mai i luma o Konesulata e fai ai le faamasinoga o lea tagata e toatasi poo tagata e toatele e faatasi ma le faamasino Samoa, o se tagata ua iloa tonu ua ana solia le Eleele Sā e faasalaina o ia e le sili i le lua o selau (200) o tala, pe tuu i le fale puipui e fai faigaluega mamafa, pe leai, e le sili i masina e ono, pe faaopoopo ia sala e lua. E le faasaga le tulafono nei i soliga i tulafono e 89 e oo i 96.

Ua faia i Āpia i Samoa i le aso e 6 o Me 1881.

Concerning the Use of Dynamite.

CXIV.—The use of Dynamite or other explosives within the waters of the Municipality of Apia for the purpose of killing fish is hereby prohibited. Any violation of this Regulation will be punished by a fine not to exceed Twenty-five (25) Dollars, or thirty days imprisonment with or without hard labour.

Dated at Apia, August 5th 1881.

O le Tulafono i le Tainamaite e Fana i'a.

CXIV.—Ua faasaina i le sami o le Munisipalite o Apia e faapā ni tainamaite po se tasi mea faapenā e fana i'a. Afai o se tasi tagata e solia lenei tulafono e faasalaina o ia e le sili i tala e lua sefulu ma le lima (25) pe tunina o ia i le fale puipui e le sili i aso e tolu sefulu (30), ma fai galuega mamafa, pe leai.

Ua faia i Apia i le aso e lima (5) o Aokuso, 1881.-

Addition to Regulation CXIV.—Concerning Dynamite.

The sale of dynamite or other similar explosives to natives is strictly forbidden within the Municipality.

No person shall be allowed to keep or sell dynamite or similar explosive until he has given proof to the Municipal Board that he is able to store it in a light wooden building, distant at least one hundred yards from any inhabited house.

Persons wishing to use dynamite or other similar explosive for the removal of wrecks, or other necessary purpose, shall give due notice to the Board, will limit the amount to be used, and fix the time for its use. The person using such explosive shall be responsible for all damage caused by the same.

Any infringement of these regulations will be liable to be punished by a fine of ~~Twenty-five~~ (25) ~~Dollars~~, or in default of payment, by imprisonment for thirty days, with or without hard labour.

Dated, at Apia, ~~3rd~~ August, 1883.

Concerning Trespass.

CXV.—Any person found trespassing on and thereby doing damage to enclosed land within the Municipality of Apia shall on conviction be compelled to make good the amount of damage done and shall be fined not to exceed Twenty-five (25) Dollars or in default be imprisoned for any time not exceeding thirty days with or without hard labour.

Concerning False Pretences,

CXVI.—Every person who shall obtain from any other person with intent to defraud any chattel money or valuable security shall be liable on conviction to a fine not exceeding One Hundred (100) Dollars or to imprisonment with or without hard labour not exceeding One Hundred and Twenty Days or to both fine and imprisonment.

Dated at Apia, Samoa February 6, 1882.

Concerning the Magistrate.

CXVIII.— The Municipal Magistrate shall be authorised to punish refractory prisoners either by a prolongation of their imprisonment or by corporal punishment, the latter not to be inflicted without the consent of the Consuls.

CXIX.—The Magistrate shall not try cases in which he is interested. In such cases he will inform the Consuls who will appoint a Magistrate "*ad hoc.*"

Dated at Apia, Samoa, June 2nd 1882.

Concerning Weeding.

CXX.—All occupiers of houses in the town and villages of the district of Apia have to weed and keep clear the space between their houses and the public roads.

They shall also keep in sanitary condition their entire premises.

The Chief of Police will see that this is carried out.

Any offender shall be liable to be punished by a fine of not more than ~~Ten~~ (10) ~~Dollars~~ or imprisonment for not more than Twelve Days or by both of such penalties.

Dated Apia, 1st September 1882.

Concerning Public Roads.

CXXII.—All public roads, that existed on the 2n dof September 1879, shall be considered as still open for public use.

Anyone having closed such a road shall immediately reopen the same or prove his right to close it to the satisfaction of the Municipal Board.

Dated Apia, 5th January, 1883.

Concerning Registration of Land Sales.

CXXIII.—Persons buying or selling taxable real estate within the Municipality of Apia, shall record the same in the office of the Secretary of the Board.

Any breach of this regulation shall be punished by a fine not exceeding ~~Twenty-Five~~ (25) ~~Dollars~~.

Dated Apia, 2nd February, 1883.

Concerning Public Nuisances.

CXXIV.—All public nuisances shall be removed.

1.—Anything endangering the safety of public life, health, private or public property shall be considered a public nuisance, and as such be subject to immediate removal on the unanimous order of the Municipal Board.

2.—The Magistrate shall give notice in writing to the proprietors or occupants of any property on which a public nuisance is, to remove the same.

3.—If the removal be not made within a reasonable time, the Magistrate will enforce this regulation by a fine not exceeding ~~Twenty-five~~ (25) ~~Dollars~~ or in default of payment by imprisonment not exceeding Thirty days with or without hard labor and he will order the removal of the nuisance at the expence of the persons so fined or imprisoned.

4.— Any resident of this Municipality may make complaint of public nuisances in writing to the Secretary of the Board who will communicate the same to the Board in session, which will empower the Magistrate to order the removal thereof, if proved to be such.

Dated at Apia, Samoa, March 16 1883.

Concerning Mulivai Bridge.

CXXVII.—It is forbidden to ride or drive over the Mulivai Bridge, except at a walking pace.

Any person offending against this regulation will be liable to a fine not exceeding ~~Five~~ (5) ~~Dollars~~, or in default of payment, to be imprisoned with or without hard labour for six days.

Any repetition of such offence shall be liable to a fine not exceeding Ten (10) Dollars, or twelve days imprisonment with or without hard labour.

Dated, Apia, 6th July, 1883.

Concerning Horses.

CXXVIII.—It is forbidden to ride on horseback through the towns of the Municipality without a proper bridle. Unbridled horses passing through such towns must be led.

Any one offending will be liable to a fine not exceeding ~~Five~~ (5) ~~Dollars~~ or six days imprisonment.

Dated, Apia, 6th July, 1883.

Concerning Dogs.

CXXIX.—The owners of dogs over three months old, belonging within the Municipality, shall register the same in the office of the Secretary of the Board, and shall take out a licence for each one, for which they shall pay the sum of Two (2) Dollars per annum, payable quarterly in advance. Any dog for which a licence has not been taken out by the end of the first fortnight of a quarter, and which is loose in the Municipality, shall be liable to be destroyed. Any violation of this regulation shall be punished by a fine of Five (5) Dollars, or ten days imprisonment

Dated at Apia, 5th October, 1883.

Concerning the Public Peace.

CXXX.— The Magistrate is empowered upon complaint of any one resident within the Municipality of Apia, and upon proof of sufficient grounds for such complaint, to bind any person over, in any sum not exceeding Two Hundred (200) Dollars to keep the peace.

The Magistrate has to obtain the consent of the Consul of the nationality to which the offender belongs, before taking any proceedings under this Regulation. In the event of the offender having no Consular representation. the Magistrate shall obtain the consent of the three Consuls.

Dated at Apia, Samoa, June 6th 1884.

323

Concerning Cattle.

CXXXI.—No cattle shall be slaughtered in any part of the Municipality, where such proceeding woold be likely to create a nuisance.

Any person persisting in so doing, after being warned by the Police, will be liable to a fine, not exceeding Eifty (50) Dollars, or to sixty days, imprisonment.

Dated at Apia, Samoa, 4th June, 1884.

Concerning Supplying Intoxicating Liquor to Policemen.

CXXXII.—Any person supplying intoxicating liquor to a policemen, while on duty, shall be punished by a fine of not less than ten (10) Dollars, and not exceeding Fifty (50) Dollars, or by imprisonment of not less than Twelve Days, and not exceeding sixty days.

Any policemen who shall drink intoxicating liquor, while on duty, shall be liable to be dismissed from the Municipal Police Force, and to forfeit all wages then due to him.

Dated at Apia, 3rd October, 1884.

Concerning Cricket.

CXXXIII.—It is strictly prohibited to play cricket on the Public Road or within eight fathoms of the Public Road, such distance to be marked by a rope on all occasions of playing.

Any one found guilty of a breach of this regulation, shall be liable to a fine not exceeding Five (5) Dollars, or to imprisonment not exceeding six days.

All damages or injuries received by persons passing on the public road from cricket balls, from wheresoever thrown, shall be paid for by the party throwing or striking the ball.

Dated Apia, 7th November, 1884.

Concerning Payment of Rates.

CXXXIV.—After the expiration of the time allowed, anyone remaining in arrear of payment of rates, shall on making a settlement of such payment pay in excess 25 per cent over and above the sum due.

Dated Apia, 1st May, 1885.

Concerning New Buildings.

CXXXV.— 1.—Before erecting any building at or close to a public road within the Municipality of Apia, the permission of the Municipal Board will have to be applied for by laying before the same the plan of the Premises with a sketch of the building to be erected.

2.—No building shall be allowed which might prove an obstruction to enlarging a public road in future.

3.—No building as a rule shall be erected in advance of the row of existing buildings.

4.—Any building erected in contravention of the present Regulation must to be removed on the order of the Municipal Board.

Any contravention of this Regulation will be punished with a fine not exceeding Two Hundred (200) Dollars.

Dated Apia, 7th August 1885.

Concerning Buildings.

CXXXVI.— 1.—All buildings, wooden fences, and walls fronting on any public road within the Municipality shall hereafter be erected in accordance with the building and verandah lines determined by the Municipal Board, a plan of which lines shall be made and kept in the Municipal Office for inspection.

2.—The verandah line shall in no case exceed the distance of ten feet from the building line as laid down on the plan to be kept on view in the Municipal Office.

3.—No Buildings of any description shall be erected in advance of the building line, and no verandah or fence in advance of the verandah line.

4.—In The event of the building not being erected on the building line, then it will be permitted to erect a high fence on that line; and in event of no verandah being erected on the verandah line, then an open picket fence not more than four feet high may be erected on the verandah line.

5.—No offensive buildings such as water-closets, Pigsties &c. shall be allowed near any public road within the Municipality.

6.—Any violation of this Regulation will be punished by a fine not exceeding Two Hundred (200) Dollars or imprisonment for a period not exceding Six Months. The building or fence to be removed at the owners' expence.

Dated Apia, 24 December 1885.

Concerning Fireworks.

CXXXVII.—No person shall from this date be permitted to fire of any Fireworks of any kind on the Municipal Roads, nor from verandahs, or Balconies, abutting on to the same.

Any person violating the above Regulation shall be liable to a fine of more than Ten (10) Dollars or imprisonment for not more than fourteen days.

Dated Apia, 5th March, 1885.

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MUNICIPALITY

OF

APIA

REGULATIONS CONCERNING

THE PORT OF APIA.

MUNICIPAL REGULATIONS.

Concerning the Port of Apia.

LXIV.—All vessels (except those belonging to the Samoan Group and engaged in the inter-island or coasting trade,) coming into and leaving the harbour of Apia, shall take the pilot licensed by the Municipal Board.

LXV.—The Pilotage shall be at the rate of (1/-) Dollar per foot draught of water in, and ~~One ($1)~~ ~~Dollar~~ per foot draught of water out of port, and the Pilot may arrange with any captain for extra service, towing, use of boat, &c., &c.

LXVI.—All vessels coming into the port of Apia shall be anchored in such a position as the Pilot may direct. For changing any vessel from her moorings from one part of the harbour to another, the Pilot shall receive ~~Five Dollars~~.

LXVII.—The master of any vessel desiring to change her from one place in the harbour to another shall notify the Pilot, who shall direct the removal, unless he has good and sufficient reason to the contrary.

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LXVIII.—The Pilot may order the removal of any vessel so anchored as to obstruct the navigation in or out of the Harbour, or for any other good and sufficient reason ; and any master of a vessel who shall refuse to comply with such order shall be liable to a fine of Ten ($10) Dollars.

LXIX.—The throwing of ballast into the harbour is hereby strictly prohibited. And all masters, or persons in command of vessels arriving in the port of Apia, and having ballast to discharge, shall notify the Pilot who will inform them where to deposit the same ; and the Pilot shall take such precautions as he may deem necessary, when any vessel is receiving or discharging ballast, to prevent the same from falling into the harbour. And if any master or mate of a vessel receiving or discharging ballast shall neglect the necessary measures to prevent the same from falling overboard, on complaint of the Pilot a policeman shall be placed on board such vessel at the vessel's expence to observe and report such carelessness or neglect, and the master of such vessel shall on conviction be fined for the first offence not to exceed ~~One~~ Hundred ($100) Dollars, nor less than ~~Ten~~ ($10) ~~Dollars~~ and costs of suit, and for each subsequent conviction. the fine shall be doubled.

LXX.—If any master or person in command of any vessel shall have reason to complain of any action of the Pilot he shall make such complaint to the Municipal Board.

LXXI.— A printed copy of the above regulations shall be handed by the Pilot to the master or person in command of every vessel which he may bring into port.

Dated Apia, Samoa, January 12th, 1880.

Concerning Trading Vessels.

LXXXIV.— The captain, owner, or supercargo of every vessel entering the waters of the Municipality for the purpose of trading shall take out a license within twenty four hours after arrival. Licenses may be obtained from the Treasurer on payment of the sum of Ten ($10) Dollars. Any breach of this Regulation shall be punished by a fine not to exceed Two Hundred ($200) Dollars.

LXXXV.— A printed copy of the precceding Regulation shall be furnished by the Pilot to the master or supercargo of each trading vessel on her arrival in harbour.

Dated at Apia, Samoa, May 12th A.D. 1880.

Concerning Quarantine.

XCVII. A Health Officer shall be appointed for the Municipality of Apia, who shall act under the Quarantine Laws passed by the Municipal Board.

CIX. Section 1. A Quarantine Commission for the Municipality of Apia is hereby appointed, consisting of the three Consuls, who shall give orders in regard to vessels to be kept in quarantine as each case may require.

Section 2. To prevent the introduction of infectious or contagious diseases in the town of Apia, no communication, except by signal, shall be held with or from any vessel coming from beyond Samoa into the waters of the Municipality of Apia, before the Master of each vessel has signed the Certificate and Bond hereto attached, or before the Health Officer has admitted such vessel to pratique.

Section 3. The Pilot, or his substitute, shall go to every vessel nearing this port and coming from beyond Samoa, approaching her on the windward side, taking with him a yellow flag. Before boarding any such vessel he shall have a blank Certificate and Bond, in the form hereto attached, delivered to the Master. Upon completion, signing, and delivering of said Certificate and

328

Bond, the Pilot may board the vessel, and she may enter the port.

Section 4. In case the Master declines to subscribe the Certificate and Bond the Pilot shall not go on board, but shall direct the Master to hoist a yellow flag at the fore (if there is no yellow flag on board the vessel the Pilot shall supply the same) and to remain off the port or proceed to the appointed quarantine ground or elsewhere, and anchor where the Pilot may direct, and the Pilot shall at once report to the Health Officer.

Section 5. Provided always that the Pilot may board a vessel under any circumstances if by his not doing so her safety would be endangered. Should the Pilot have been obliged to board a vessel coming from beyond Samoa the Master of which declines to sign the Certificate and Bond, then the Pilot shall order the yellow flag to be hoisted and remain on board until the Health Officer has admitted the vessel to pratique, or has disinfected the Pilot, his boat's crew, and boat, properly accordingly to circumstances, and has given permission to the Pilot to leave.

Section 6. The Master of any vessel coming from beyond Samoa shall hoist the yellow flag immediately after being directed so to do by the Pilot, and shall keep the same hoisted until the Health Officer has admitted the vessel to pratique and

ordered the yellow flag to be hauled down; and the Master or other officer of such vessel shall not allow any communication with or from such vessel except by signal or by the Health Officer until she has been admitted to pratique by the Health Officer.

Section 7. The Health Officer on seeing a vessel hoist the yellow flag or on receiving information from the Pilot, shall proceed to the vessel and approach her to windward within speaking distance. He shall then by questioning the Master ascertain the reason why the former declines to sign the Certificate and Bond.

Section 8. If from the answers of the Master he has good reason to suspect that the vessel has any contagion on board, he shall order the vessel to remain in quarantine, to keep the yellow flag hoisted, and he shall at once report to the Quarantine Commissioners, who shall meet as soon as possible to investigate the case and decide according to circumstances.

Section 9. If the Health Officer has good reason to believe that there is no contagion on board such vessel he may go on board and examine her Bill of Health, her log-book and journal, and inspect her crew and passengers.

Section 10. If the Health Officer finds after inspection that there is no danger of any contagion being on board, he may admit the vessel to pratique and order the yellow flag to be hauled down.

Section 11. If he finds there is danger of any contagion being on board, he shall order the vessel to remain in quarantine, to keep the yellow flag hoisted, and he shall report to the Quarantine commissioners, taking good care after leaving the ship to disinfect himself and his boat's crew and boat, as circumstances may require, before he lands or communicates with any other vessel or boat.

Section 12. Every master and every Surgeon of any vessel which shall have sailed from a place where there shall have existed at the time of such sailing any infectious or contagious disease, or which shall have communicated otherwise than by signal with any vessel or place in which such contagious or infectious disease existed shall make a true declaration of such circumstances to the Pilot and Health Officer, who shall come on board or alonside such vessel.

Section 13. Every master or Surgeon of a vessel which shall have on board any person affected with any contagious or infectious disease shall declare

the same to the Pilot and Health Officer, and shall not attempt to conceal from the Health officer any person so affected, and shall bring every person on board such vessel before the Health Officer at his request for inspection, and the Master of any vessel shall, on the demand of the Health Officer produce for inspection by him the log-book and journal of such vessel.

Section 14. Every person on board of any vessel arriving at the port of Apia shall answer truthfully, and without evasion, any question that may be put to him by the Health Officer or Pilot, in order to find out whether there is danger of any contagion being on board such vessel.

Section 15. No person, save as herein before provided, shall approach or leave any vessel, on board of which the yellow flag is hoisted, until she has been admitted to pratique by the Health Officer and the yellow flag has been hauled down.

Section 16. A quarantine fee shall be paied by all vessels coming from beyond Samoa as follows: —Vessels whose tonnage does not exceed 50 tons, 50 cents; vessels whose tonnage is over 50 tons and does not exceed 100 tons, One Dollar; vessels whose tonnage exceeds 100 tons shall pay 1 dollar

more for every 100 tons or fraction thereof, and such fee shall be paid to the Treasurer of the Municipality.

23 Section 17. Any person committing a breach of any of the above Quarantine Regulations shall, on conviction, be punished by a fine not to exceed 200 Dollars or by imprisonment, with or without hard labour, not to exceed six months, or by both these penalties.

Section 18 All expences caused to the Municipality by any vessel with regard to Quarantine, shall be borne by such vessel, or by the Master, Owners, Agents or Consignees thereof, and such vessel or persons shall be held responsible for the recovery of such expenses.

Section 19. Should any of the statements contained in the Certificate signed by the Master of any vessel be proved to be untrue, then the Master of such vessel shall forfeit the sum stated in the Bond, or any part of such sum, according to the decision of the Quarantine Commissioners, and such sum shall be recoverable in the manner provided for by Section 17.

Section 20. All forfeits or fines levied or paid for breaches of Quarantine Regulations shall be paid to

the Municipal Treasurer, to the credit of the Quarantine Fund, which shall be used by the Municipal Board to defray public expenses with regard to the public health of the Municipality.

Section 21. No owner or any person whatever on board or connected with any vessel put in quarantine, nor any person importing or exporting or intending to export any goods or cargo in any such vessel shall have any claim against the Municipality for detention or any loss or expense incurred in connection with quarantine.

Dated at Apia, Samoa, April 1st, a.d. 1881.

CXI. — The Pilot shall receive at least Five (5) Dollars pilotage from every vessel he boards under the Quarantine Regulations.

Dated at Apia, Samoa, April 29th, a.d. 1881.

That all vessels over 50 Tons leaving the port of Apia for any place outside of the Samoan Group shall take a pilot and pay pilotage at the usual rate.

Dated at Apia, Samoa, February 1st a.d. 1884.

Weekly

1885

Municipal Treasury Acct

Receivers			
To Balance of 1884		$ 1,892	85-1/4
Assessments		2,223	33-3/4
Special Licences		448	50
Store	do	434	
Public House	do	684	
Hawkers	do	1	
Trading	do	130	
Dog	do	43	50
Fines		666	25
Prisoner's Labour		105	62½
Cemetery Account		80	
Pilotage		1413	
Quarantine Fees		216	50
House Rent of Pilot Station		156	
Mail Service Subscriptions		1044	50
Extras		2	98
		$ 10,204	66½
To Balance		$ 1965	82

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Thomas Wood

Apia 31 Decbre 1885

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1885

[Inclosure K 5. Monthly Accounts

331

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Expenditure to date

By Salaries & Wages Accounts				
to Magistrate	$ 464	82		
" Native do	120	-		
" Secretary do	129	53		
" Pilot	1800	-		
" Police force	1311	50	$ 4128	85
" Contribution to King Malietoa			260	-
" Commission Accounts:				
to Treasurer	204	65		
" Collector of Taxes	106	11		
" do of Fines	66	08	$ 379	84
" Bridge Toll 4 months			10	-
" Court House Rent			120	-
" Jail Ground do			36	-
" Pilot Station Ground Rent			30	-
" Mail Service Account			1672	50
" Tutuila West point light			43	-
" Medical Services			75	-
" Signal Flags for Pilot			35	-
" Flagstaff in Malautu point			175	22
" Vaisigago Bridge, building & repairing			290	05
" Mulivai id Repairs			44	96
" Asaga id id			1	28
" Apia Wharf id			26	06
" Street Lanters, putting up & maintenance			330	37½
" Prisoners Food do			270	25
Stationary & Printing			128	13
" Assessor of Property			0	-
" Plan of Apia by Th. Maben			30	-
" Indemnity to Greenwood Crawford & Co			100	-
" Extras			50	33
" Balance			1965	82
		$	10204	66½

2. 31 Decbre 1885

Sgd A. Martin Ruge

Treasurer.

Nonp
l.c. cards [Enclosure K 6.]

332

2 34 1/4 10 5

No.		Name	Description	Amount
1 G+	1	D. H. & P. G.	Store license	#25
2 G+	2	do	do	9
1 G	3	H. M. Ruge & Co	do	25
1 A	4	Grevemuhl Crawford & Co	"	12
2 A	5	"	"	3
1 G+	6	Rosenberg	"	9
1 B	7	S. Dean	"	9
1 B	8	Mc Arthur & Co	"	25
1 A	9	D. S. Parker		9
1 A	10	H. J. Moore & Bro		9
1 B	11	F. Trood		6
2 B	12	do		3
1 B	13	Ah Sue		6
1 O	14	P. H. Krause		6
1 G	15	Mr Voight		6
1 A	16	E. L. Hamilton		6
1 G	17	Mrs Volkmann		3
1 O	18	C. Metzler		3
1 B	19	Wm Johnston		3
3 B.	20	J. Mooney		3
1 B.	21	E. Woods		3
2 B.	22	"		3
1 O	23	J. Latapie		3
1 O	24	Ling Sing		3
1 O	25	D. Fabricious		3
1 O	26	L. Laferrier		3
3 A	27	Grevs Crawford & Co		3
1 B	28	E. H. Gurr & Co		6
1 B	29	J. Ryan		3

No.		Name	Description	Amount	
			Hotel Licenses		
B.	1	Thos. Meredith	"	36	-
A+	2	Grews Crawford & Co	"	30	
A	3	Thos Schmidt	"	30	
A	4	J. Johnsen	"	30	
O	5	P. Fabricius	"	30	
O	6	L. Laferrier	"	30	
			Special Licenses		
O	1	J. Latapie	Carpenter	1	50
A	2	Wm Smally	"	1	50
A	3	A. Fineau	"	1	50
O	4	Ning Ye Long	"	1	50
B	5	A. Rode	"	1	50
A	6	W. H. Dunn	"	1	50
B.	7	John Skelton	"	1	50
G+	8	Martin Ohmson	"	1	50
B.	9	Mc Millan	"	1	50
G+	10	Aug. Berrens	"	1	50
O	11	Sing Sing	"	1	50
O	12	Ah Mann	"	1	50
O	13	Ah Fa	"	1	50
G+	14	A. Bohnsack	"	1	50
A	15	H. Miller	"	1	50
B.	16	D. Kennison	"	1	50
A	17	J. Wilson	"	1	50
O	18	Pasi	"	1	00
G+	19	Schiller not there	"	1	50
B	20	H. Easter	"	1	50
S.	21	Puaa	"	1	50
O	22	Ah Lui	Cook	1	50
B.	23	G. Lamenson	"	1	50

53

333

		No.	Name		Description	Amount	
	O	24	J. Rosenquest	not here	Carpenter	$ 1	50
1	G	25	A. Hettig		Blacksmith	1	50
1	G	26	J. Bayerline		do	1	50
	G+	27	J. Stoltenberg		"	1	00
	G+	28	G. Hunling		Asst "		75
	G+	29	A. Falke		Engineer	1	00
1	G+	30	J. Acmann		Overseer	1	00
	G+	31	J. Stehlen		"		76
1	O+	32	J. Acosta		Barber	1	50
2	A	33	J. Schmidt		Sailmaker	1	50
2	B.	34	A. Sire		Butcher	3	00
2	G+	35	Rosenberg		"	3	00
3	B	36	C. Woods		Baker	3	00
2	A	37	C. Netzler		"	3	00
5	A	38	Geo. Crawford	16	Butcher	3	00
1	B	39	John Davis		Photographer	3	00
	B.	40	R. Hetherington		Lawyer	15	
	A.	41	J. E. T. Alvord		Auctioneer	6	
	G+	42	J. Heidler		Surveyor	1	50
	G+	43	L. Deigle		"	1	50
	B.	44	T. Maben		"	1	50
	O	45	P. Fabricius		Boatman & Boat	1	50
1	O	46	Wm Nelson		" 2 "	3	-
	A	47	R. G. Elliott		" 1 "	1	50
3	O+	48	J. Laperrier		" 1 "	1	50
	O	49	P. Xavier		Printer	3	00
	B.	50	J. H. Denver		Shoemaker	1	00
	O	51	Ah Fa		Cook		75
	O	52	Ah Chong		"		75
	O	53	Lau Fa		"		75
2	O+	54	Joe Acosta		"		75
	O	55	Ah Ling		"		75

53

V	34 1/4	10	5	
No	Name	Description	Amount	
G 58	Wm Burckhardt	Clerk	$ 1	50
G 59	C. Beuthein	"	1	50
G 60	J. Schaunkel	"	1	50
B 61	C. Dean	"	1	50
A 62	J. M. Coe	"	X	75
G 63	E. V. Wolverdorf	"		75
G 64	H. Gebaur	"		75
G 65	A. Frings	"		75
G 66	R. Schultz	"		75
G 67	R. Otto	"		75
G 68	Schultz	"		75
G 69	Schweickel	"		75
G 70	J. Autore	"		75
A 71	C. Burnham	"		75
A 72	Zeno	"		75
G 73	A. Constable	"		75
G 74	J. Ruge	"		75
G 75	Bindeman not here	"		75
G 76	Simon	"		75
O 77	Joe Hamilton	Salesman		75
B 78	L. Yandall	"		75
B 79	H. Pritchard	"		75
A 80	M. Scanlon	Overseer		75
B 81	Spencer	Clerk	1	00
G 82	Otto Martin	"	1	00
B 83	W. H. Strutt	Carpenter	1	50
B 84	Fletcher	Clerk	1	00
G 85	L. Beckmann	"	1	00
B 86	Bray	Salesman		75
S 87	Felice	carpenter	1	00
B 88	Peter Paul	"	1	50
G 89	Neop	Clerk		75

334

2		34 1/4		10		5	
	No.		Name	Description	Amount		
			Special Licenses continued				
	G+	90	Otto Landstein	Clerk			75
2	B	91	E. W. Gunn & Co	Auctioneer 463		6	
3	B	92	Ah Sue	Baker		3	
2	B	93	John Ryan	"		3	
3	G	1	D. H. & P. C.	Assessment	282		50
	O	2	F. Wilson	"			50
2	A	3	F. Miller	"		2	25
	B	4	E. Hall	"		1	25
	O	5	Apai (Karotogan)	"			75
2	A	6	E. L. Hamilton	"		2	75
	G+	7	Theo. Weber	"		36	25
	B	8	G. Pritchard	"		1	5 1/2
2	A	9	J. M. Coe	"		5	25
2	G	10	F. Ahmann	"		1	00
2	G	11	H. M. Ruge & Co	"		53	25
	B	12	Aulls estate	"		3	75
6	A	13	Grev: Crawford & Co	"		30	25
	A	14	H. P. Paterson	"		2	25
	S	15	Nancy Thomson	"		1	75
	B	16	John	"			25
	B	17	A. Young	"			50
	A	18	Wm Bruce	"			37 1/2
	A	19	Williamsons Estate	"		2	50
	A	20	U. S. Consulate	"		2	25
	B	21	J. M. A. Johnston	"		2	50
	B	22	British Consulate	"			25
	B	23	London Mission Soci.	"		8	75
	A	24	D. H. McKenzie (care of H. J Hood)			5	
	O	25	Ah Sing	"		1	00
	O	26	Ah Chong	"		1	25

No	Name	Description	Amount
	Assessment continued		
GA 27	C. Frueau	"	3 75
GB 28	Wm McArthur & Co	"	16
EB 29	"	"	8 75
AB 30	C. Woods	"	2 25
GO 31	P. H. Krause	"	6 87½
GA 32	Frank Moors	House	1
GB 33	Thos Trood	"	6
GA 34	H. J. Moors	"	10
GO 35	R. C. Mission	"	16 1 37½
GO 36	Mary Groth.	"	75
GB 37	Wm Johnston	"	5 90
GA 38	James Devoe	"	25
AG 39	A. R. Decker	"	1 75
AB 40	Wm Yandall	"	25
GO 41	Neue (Islanders)	"	6 25
GA 42	Wm Coe	"	25
GB 43	Wesleyan Mission	"	2
GB 44	S. Dean	"	8 75
CO 45	Pito (Barotoga)	"	37½
BO 46	Juana "	"	1
BB 47	John Skelton	"	1
AG 48	German Consulate	"	11 50
BA 49	D. S. Parker	"	8 75
GA 50	F. Schmidt	"	6 25
BO 51	Wm Nelson	"	50
BA 52	J. Johnson	"	3 50
BB 53	G. Davis B	"	2 75
BO 54	C. Netzler	"	6 25
SB 55	T. Trood	"	1 75
BB 56	John Ryan	"	9½
GB 57	Ah Sue		3 75

2 34.25 335 To 5

	No	Name	Description	Amount	
2 G	58	Mrs Voight	"	8	75
2 G	59	Mrs Volkmann	"	4	87½
2 B	60	Thomas Meredith	"	1	25
B	61	Wm Cowley Senior	"	4	50
B	62	Silver Estate (Beethams)	"	2	37½
A 2	63	H. Fineau	"	2	
O	64	A. Brewer (Perierra)	"	1	50
2 A	65	Morris Scanlon	"	1	50
B	66	G. Brown	"		87½
B	67	Wm Cowley	"		75
G	68	Hamamumm Estate	"		87½
B.	69	A. Campbell	"		37½
B	70	Mary Marshall	"	2	25
A	71	Catherine ~~Barker~~ Bartlett	"		37½
G	72	Wm Schuler Not here	"		37½
B	73	Rees Estate	"		25
A	74	Cal. Land Co	"	1	
B	75	Man Fiji	"		50
B	76	John Hunt	"		62½
B	77	Capt. Lyons	"		75
2 G	78	J. Bayerline	"		20
2 B	79	H. Rohdes	"		20
3 O	80	Joe Acosta	"		40
4 B	81	Mc Arthur & Co	" (House)		50
B	82	Ah Sui	"	1	25
3 O	83	J. Lataple	"	2	
2 G	84	A. Hetty	"	1	87½
G	85	German Consulate	"	5	
3 O	86	F. H. Krause	"	1	
B	87	Wilfred Powell (B. Consul)		10	
B	88	E. Yandall			37½
2 B	89	Peter Paul			12½

Memorandum on Bates Mission to the Samoan Islands ? 1888 ? or 1889 ?

MEMORANDUM RESPECTING AMERICAN INTERESTS IN THE PACIFIC SUGGESTED BY THE STATE OF AFFAIRS IN SAMOA .

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Owing to the active operations of European powers in absorbing Polynesian groups, there remain but three principal groups of islands respecting which it is still practicable for this Government to concern itself actively without grave complications. These are Hawaii, Samoa and Tonga, and with the Government of each of these groups, the United States has now entered into treaty stipulations. A glance at the map will show that all these islands groups are situated, in longitude, East of the extreme North Western possessions of the United States, and all of them are East of the 180th meridian, and therefore within the Western hemisphere. Taking the two latter groups together their distance from the equator varies little from that of Hawaii, and between Hawaii and Samoa in the line of longitude, there are no islands of importance.

The position of Samoa, with respect to lower Mexico and the Isthmian coast, is relatively the same as that of Hawaii, with respect to the California coast. From the Isthmus, Hawaii and Samoa are equally distant, Samoa being in the direct line of trade to Australia, and the course from the Isthmus to China lying equally distant between the two groups.

The necessity of our insisting upon and even guaranteeing the neutrality of the Isthmus of Panama with respect to any canals being constructed is a conceded point in American diplo-

macy. It has been frequently asserted that the importance of the Sandwich Islands as a strategic point with reference to the future commerce of the Pacific, is of equal importance to us with that of the Isthmus of Panama, and brings these islands equally within the range of an American commercial policy. If this be so, certainly the neutrality of Samoa of no greater distance from the Isthmus and lying more immediately in the track of our future commerce, is of greater importance than even that of Hawaii.

With respect to Hawaii, it has been repeatedly asserted by the Government of the United States, that its position is such as to make it a part of the American system, and that any attempt by a European power to take possession of it or interfere actively in its control, would not be tolerated. This position was taken by our Government at a period when the navigation of the Pacific was principally by sailing vessels, and before the idea of a passage through the Isthmus had been formulated. The underlying reasons of this conclusion were very well stated by President Filemore in his Annual Message in 1851, in which, among other things, he says,

"Long before the events, which have of late imparted so much importance to the position of the United States on the Pacific, we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels engaged in the whale fisheries, and by the consideration that they lie in the course of the great trade which must, <u>at no distant day,</u> be carried on between the Western coast of North America and Eastern Asia. We were also influenced by a desire

that those islands should not pass under the control of any other great maritime State, but should remain in an independent condition and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have obtained in California and Oregon, and the policy heretofore adopted in regard to those islands will be speedily pursued.

Even before this our Government went so far as to assert in the language of Mr. Legare, June 13th, 1843, that "We might even feel justified consistently with our own principles in interfering by force to prevent their falling (by conquest) into the hands of one of the great European powers."

These declarations respecting our interest in the neutrality of Hawaii have positively asserted that we cannot consent that any demands by any European power, can be allowed against that Government which are either unjust, derogatory or inconsistent with its <u>bona fide</u> independence. (President Filemore's Message of 1851)

"The position of the Sandwich Islands as an outpost fronting the whole of our possessions on the Pacific Ocean, give to the future of those islands a peculiar interest to the Government and people of the United States. It is very clear that this Government cannot be expected to assent to their transfer from their present control to that of any European maritime commercial nation. Such transfer to a maritime power would threaten a military surveillance in the Pacific similar to that which Bermuda has afforded in the Atlantic. The latter has been submitted to from necessity inasmuch as it was congenital with our Government, but we desire now not to put similar outposts in

the hands of those who may, at some future time, use them to our disadvantage." (Mr. Fish, Secretary of State, March 25th, 1873)

"Neither can the Government of the United States allow an arrangement which, by diplomatic finesse or legal technicality, may substitute for the Native and legitimate constitutional Government of Hawaii, the controlling influence of a great foreign power. This is not the real and substantial independence which it desires to see and which it is prepared to support." (Mr. Blaine Secretary of State, November 19th, 1881).

The tone of our diplomatic utterances on this subject has been so uniform under administrations of all parties, including the present one, that it is needless further to particularize.

The policy which our Government has uniformly pursued with respect to Hawaii, ought under existing circumstances to apply equally to Samoa. The similarity of our geographical position has already been shown. The trade already established between our own citizens and Samoa is not inconsiderable, notwithstanding the American steamship line passing through the group has never made it a point of call, owing to the condition of the mail subsidies from New Zealand and New South Wales, and the regular German mail communications to the colonies. This American commerce has also steadily increased in the face of the domestic dissessions fomented, as they have been, by the interference of German officials and representatives of the German Trading Company. The personal and property interests of resident American citizens far exceed those which have hitherto been made the occasion of active interference by our Government in the affairs of distant peoples in outlying communities; but paramount to the interests of individual Americans is our National interest in the neutrality

respect to the future commerce of the Pacific. As a valuable adjunct to their future availability in these respects is the concession made in 1872 by the Chiefs of Tutuila and confirmed in our treaty with Samoa, of an exclusive right to establish a naval and coaling station in the harbor of Pago Pago, the most magnificent harbor in the Pacific, completely land-locked amply sufficient to accommodate the navies of the world, and naturally fortified by surrounding mountains either against the forces of nature or the possibilities of an attack either from sea or shore. The loss of this unequalled harbor is deeply lamented by a writer in the 19th century who wonders why England did not secure its possession.

This valuable concession our Government has not yet availed itself of to the extent of establishing either a coaling or naval station. It sent there, some years ago, a cargo of coal which was deposited upon a small piece of land leased by the Government which has been used by our vessels from time to time and is now exhausted and the lease given up.

Following our own the British and German Governments made treaties with the Samoan Government, and the equality of our interest in the group with each of these Governments has been uniformly asserted by us and conceded by each of them. In the recent negotiations between the representatives of the three Governments, an effort was made by Germany to obtain an admission of a superiority of interest based upon her claim of alleged preponderating commercial interests. This claim from its first assertion has been stoutly resisted by the American Secretary of State with the result of drawing from Prince Von. Bismarck, a final abandonment of it.

The recent negotiations in Samoa may be said to include all diplomatic correspondence since the raising by the local representatives of the two flags, first of the German flag and then of the American flag, both which acts were disavowed.

In January 12th, 1886, the Secretary of State telegraphed to our Minister at Berlin "You will temperately but decidedly in oral conference, notify the German Minister for foreign affairs, that we expect nothing will be done to impair the rights of the United States under existing treaty with Samoa, and anticipate fulfillment of solemn assurances heretofore and recently given that Germany seeks no exclusive control in Samoa." In reply to this Count Bismarck said to Mr. Pendleton (January 16th, 1886) "Whatever may have occurred, we intend to maintain the status as it has heretofore existed. We have been satisfied with that; it has been satisfactory to the three Governments; we have neither interests nor desire to change it; but if we had, we would take no step, make no movement without frankly consulting in advance the United States and Great Britian. If any wrong has been done, it shall be righted and reparation shall be made, and nothing shall be allowed to change the relative positions of these Governments."

In the same interview Mr. Pendleton said "That the United States have a treaty with Samoa, antedating that of Germany or England, securing to their citizens great advantages in the way of trade and whatever further benefits might, at any time, be granted to the most favored nation, and would not look with composure on an attempt from any quarter whatsoever to interfere with the provisions of that treaty, or to acquire any exclusive rights or privileges of occupancy or trade." To all of which

Mr. Pendleton writes, "Count Bismarck assented very appreciatively" The first suggestion of joint control by the three treaty powers was made by the Secretary of State in a despatch to Mr. Pendleton June 1st, 1886, which contemplated absolute equality of action and control among the powers, and, to this end, a conference of their representatives at Washington. The proposition of a conference was accepted unqualifiedly by Great Britian and by Germany with a qualification that, prior to the conference, an investigation should be made by commissioners of the three powers to be sent to Samoa for that purpose. This plan having been agreed to such an investigation followed.

The instructions to Mr. Bates under date of July 22nd, 1886, after referring to the provisions and assurances of the three powers, "Of their positive abstention from schemes of annexation or sole protection of the islands," proceeded to recognize that "the temporary situation in the islands may prove to be such as to require the joint effort of the treaty powers to preserve order and insure stable Government in which native interests should be under autonomous control." It is asserted that "each (power) has its treaty with the native Government and their several rights run side by side so that any predominance of one would clash with the interests of the others. / This is admitted by the treaties themselves. Those of Germany and Great Britain each recognize the prior treaty with the United States, and both, by implication and in terms, bind those powers to respect it. This is especially true of the right to maintain coaling stations on the islands, which was first secured by the United States by their treaty of 1878, a portion of the harbor of Pago Pago being set apart for the purpose. The British and German treaties followed with similar provisions, the former expressly recognis-

ing the prior right of the United States in the premises by providing that their national stations should not encroach on that portion of the harbor already secured to the United States. We have here the principle of neutralization distinctly enunciated, and this circumstance has had an important influence on all that has since transpired. It is of special importance to the United States, for in no other part of Polynesia is a right of this nature possessed by them."

The principles of these instructions, insisting, as they did, upon the preservation of native independence, were frequently made known through our representatives, to the Samoans themselves, and it was in reliance upon the hope thereby inspired that the Samoan Government refrained from asserting its powers against an insurrectionary force instigated by German influence. Such representations were authorized by telegraphic instructions to the Consuls of the three treaty powers, "to endeavor to maintain peace in Samoa on the basis of the status quo pending the decision of the conference lately initiated here for the friendly consideration of the state of things in those islands." (Mr. Bayard to Mr. von Alvensleben, June 21, 1881)

The telegram sent to Mr. Sewall, Consul-General, was as follows:--

"Treaty powers endeavoring to secure permanent native Government for Samoa. Strongly advise natives to avoid resort to force which would endanger Samoa's best interests."

The reports of the Commissioners having been received, the conference met June 25th, 1887 and the last meeting was held on July 26th, following. The failure of immediate practical result was due to the insistance by the American representatives upon the principle of equality of control which had

been theretofore uniformly admitted in every allusion to the subject by representatives of each of the treaty powers, while the German representative, for the first time, set up a claim to mandatory control for Germany in violation of the understanding upon which the negotiations had proceeded. This divergence of opinion and the surprise occasioned by it, was forcibly expressed at the time, "It may therefore be regarded as fully recognized and established that the object of the United States in proposing the present conference and of all three powers in sending Commissioners to the Samoan Islands to report on the condition of affairs, was to maintain autonomy and independence of the islands under a native Government. Such being the declared object of the conference I have listened with regret to plans and suggestions that appear to me to depend upon the recognition of an inequality of interest of the three powers in the political, moral and commercial welfare of the islands and to look to unequivocal the virtual suppression of the native Government."

"They embarked upon the conference with a declaration of the absolute equality of the three powers, and that they were acting in an advisory capacity towards the Samoan people, and that they desired to preserve the independence and autonomy of the Islands and absolute equality of treatment in respect of commerce, navigation, jurisdiction etc., ; and it is further stated that it was intended that there was to be no inequality whatever in respect to the influence to be exerted by the three Governments upon this community ; that whether their interest was little or large the basis of their approach to this question was the equality of the three treaty powers in dealing with the subject of Samoan Government ÷ ÷ ÷ They approached it with equal responsibility and equal right to deal with it. It was understood that

they all had agreements in the form of treaties with this people and were disposed to stand by them. This is found in the united representation of the three powers, that the existing treaties were to remain."

The conference was adjourned, not concluded, the object of the adjournment being avowedly to permit the consultation of its members with their Governments upon the subject of their differences, and in a despatch dated August 7th, 1887, Prince Von Bismarck, after re-stating the different views expressed in the conference, admits that the position taken by the German Minister could not be maintained except with the cordial concurrence of both of the other treaty powers, and he reiterates the often expressed understanding as to equality of interest and control in the following terms:--

"The Imperial Government does not see in the American counter-proposition any redress of the now existing evils; it does not aim, notwithstanding the preponderance of German interests over those of other nations in Samoa, at the exercise of a stronger influence with regard to the affairs of the islands than England and America, unless such influence would, in the common interest of the three nations, be willingly conceded to it, as has been done by Great Britain, and as we were in hope would be done by the United States, too. This hope having proved to be erroneous, we consider, as we have done hitherto, the now existing equality of rights of the three nations as the acknowledged basis of their relations to Samoa."

"The Imperial Government is, of course, far from intending to bring about any change in the political relations which the three powers represented there and connected by friendship entertain to Samoa; on the contrary, we maintain unaltered

the existing treaties and stipulations between us and the Government of Great Britain and the United States with regard to that group of islands, as well as the equality of rights of the treaty powers. We shall also in the future continue our endeavors to arrive at an understanding about the necessary reforms in order to establish lasting peace on the Samoan Islands, in the interest of the foreign and native population."

A solemn recognition of the equality of the three treaty powers is found in the municipal convention of 1879 which was composed of the three Consuls and an additional representative from each nationality, and so careful were the rights of each power preserved, that no business could be transacted at any meeting of the municipal Board unless a representative of each power was present. Even after the deposition of Malietoa and the setting up of a pretended native Government by the Germans, the German Minister of foreign affairs, as reported by a despatch from Mr. Pendleton, dated October 13th, 1887, professed to recognize that equality between the powers which the action of his Government's authorized local representatives had done all that was in their power to destroy. Mr. Pendleton quotes Count Bismarck as saying "That the German Government desired to maintain the good entente between the powers in regard to Samoa upon the principles so well known to them all." And while at this time the German officials had assumed practical control of the Government of Samoa, with the evident purpose of delaying action by the United States until their plan should be accomplished, the Minister suggested "that there seemed to be no reason for haste just now, and that with new light on the status as it should then appear, all the Governments would go forward in the same spirit

which had actuated them heretofore."

And apparently with a view of distracting the attention of our Government from the German operations in Samoa, on November 18th, 1887, Prince von Bismarck, addressed to the German Minister a despatch to be communicated to the Department of State, commenting on the alleged "Anti-German attitude" of our Consul-General and his predecessors. Even in this paper is reiterated the principle of equality notwithstanding the asserted "mercantile preponderance" of Germany, when it says:--"We have always maintained the principle of equality of rights of nations in Samoa, and never aspired to political advantages."

To this despatch the Secretary of State in a comprehensive view of the whole subject, on the 17th of January last, refutes the charges made against our Consular officers and concludes with this emphatic repetition of the American position:--

"But, for the very reason that the native Government of Samoa is weak, it has seemed all the more clear to the United States that the control of the islands by any strong foreign power, or its representatives, would defeat the great object of securing native independence and autonomy, and the practical neutralization of the group. Under such control a native Government would necessarily cease to have more than a nominal existence; the native element in the islands, deprived of voice and influence in the management of their affairs, would quickly succumb to the aggressive and exclusive tendencies of the foreign residents; and, under these circumstances, the islands would inevitably become a colony of the foreign power by which, or by whose representatives, the Government was actually administered."

To this, no reply has yet been received.

With these professions of the Berlin foreign office

contrast the progress of events and the action of German officials in Samoa.

On the 26th of July the conference was adjourned "by unanimous consent until the Autumn in order that the members might consult their respective Governments with a view to an agreement on some other schemes of co-operative action." On the 23rd of August "in less than a month from the date of the adjournment of the conference till the Autumn, and before any notification to this Government of such resolve on the part of Germany, the German Consul at Apia demanded of Malietoa satisfaction in the form of an apology and indemnity together with the punishing of alleged Samoan offenders for certain injuries said to have been suffered by German subjects at the hands of Samoans on the evening of the 22nd of March preceding, during the celebration by the former of the anniversary of the birth of his Majesty the Emperor of Germany, as well as a considerable pecuniary indemnity for robberies alleged to have been committed on German plantations during the past four years." These alleged injuries had been received during a drunken drawl for which it now appears that the Germans themselves were responsible. They had been set forth some weeks previously in a communication from the German Consul to King Malietoa in which he had demanded the punishment of certain Samoans for having broken the nose of a German subject on that occasion. A trial had been had in the Municipal Court, the trouble having occurred within the Municipality, and the native Judge had refused to agree with the German Magistrate in finding these men guilty. King Malietoa having ceded his police jurisdiction within the Municipality replied to the German Consul that it was for the Municipal Government to try the men and find-

ing them guilty to punish them, and that he could not deliver up the men until they were proven guilty. The man who had suffered the injury did not himself know how it had been received, but it afforded, together with the petty thefts from the German plantations of fruit, having only a nominal value, the pretext for a demand of $13,000 by the German Consul; $1,000 for the man with the broken nose and $12,000 for the fruit stolen, $3,000 a year for four years. On the 19th of August, four ships of the German squadron under Commander Heusner, had arrived in Apia harbor, and for two weeks before their arrival well authenticated reports circulated by the Samoan spy Clerk at the German Consulate had been received by the Samoans that the German ships would soon arrive, and install the rebel Chief Tamasese. Under the direction of the German Trading Company, he had set up a flag furnished him by the Germans about thirty miles from Apia, and to him had been sent, six months before, a Clerk from this Trading Company, to act as the head of his insurrectionary Government. These reports were communicated by the United States Consul General to the Department of State previous to the arrival of the ships. On the 23rd of August, the demand was made upon the King and he was told to reply the next morning. At seven o'clock the next morning he did reply, requesting three days in which to consult with his Government and Chiefs, stating that it was impossible for him to comply with the demand for an immediate answer. At half past seven a landing was made by the German Commodore and Apia occupied. No notification was given to the residents of Apia, and none to the Consuls of the United States and Great Britain, until the occupation had been effected and many of the sailors withdrawn. And even this was not done until the receipt of a protest from the United States Consul General, sta-

ting that the German flag was hoisted over the Government House of Samoa, while armed troops filled the streets and prevented the passage of peaceable citizens. Property of Americans was occupied, their houses entered, women threatened and in one instance an American was knocked down upon his own premises, by a German sailor while yet unaware of the occasion of the sailors presence. On the same day the German Commodore proclaimed to the citizens of Apia that war had been declared and that the neutrality of the Municipal district would be respected. On the following day one of the German ships went to the camp of the rebel Chief, brought him to Apia with his flag flying at her mast-head and he himself saluted with a royal salute, escorted to Mulinuu by the German Commodore and the German Clerk, later his Premier, and there, his flag hoisted and again saluted from the German flag-ship. The German Consul then notified the other Consuls that his Government had recognized Tamasese as King of Samoa, who then issued his proclamation.

The United States Consul-General issued a proclamation refusing to recognize Tamasese and advising the Samoans to await quietly the result of the conference then supposed to be in progress. In this proclamation the British Vice Consul joined. On the 25th a proclamation was issued, signed "Tamasese" and countersigned "Brandeis," summoning the Chiefs, the Taimua and Faipule of Samoa in Mulinuu, threatening war against those who refused to obey. On the 27th the German Commodore proclaimed martial law in Apia and the sentries who were stationed thickly through the town, were commanded to shoot all who did not answer the challenge. The American Consul General protested against the presence of armed men within the Municipality as a violation of its neutrality, guaranteed by the Treaty Convention of 1879. He

also protested against the gathering of armed Samoans in the neutral territory which was forbidden by the Municipal regulations, but these protests were disregarded. The Magistrate of the Municipality was a German whose term had expired but who had been enabled to hold over in office by the refusal of the German Consul to attend a meeting of the Municipal Board. The absence of the German Representative would prevent a meeting, inasmuch as the Municipal regulations provided that none could be held in the absence of representatives of any of the Treaty Powers.

(Mr. Sewall to Mr. Porter August 15th, 1887; same to same October 10th, 1887.

It was evident that this was a part of the German plan, to keep the control of the Municipality while the German action against the Samoans should be going on.

Upon the landing of the German forces King Malietoa and his Government and people gathered in the bush, and refrained from proceeding against the Germans, awaiting news of the conference which they had been officially assured would alone determine the future of Samoa, but no news came to them.

The German action had been deferred until the departure of the Sidney steamer, on the very day of the German Commodore's demands, cut off communication with the outside world for a month. Meanwhile the German squadron had been increased to five ships. As the time for the gathering summoned by Tamasese under threat of war drew near, Malietoa advised some of his Chiefs, under promise of safe escort, to attend in order to ascertain the German plans and propositions. Arrived there, they learned that an immediate attack by the German forces, the followers of Tamasese and the black laborers of the German plantation, was

to be made on the following day, while the German ships were to guard the coast and cut off all passage to the other islands. The German Commodore informed the Chief that Tamasese had been made King of Samoa by Germany and that Germany would support him. The German Premier and the Secretary of the German Consulate presented a paper to the Chiefs which they were told to sign; the Premier in his speech told them that it was forbidden that any discussion should take place relating to the question as to whether it is good or not that Tamasese is King of Samoa, both at this or any future fono (gathering). The guns of the five ships covered the place of meeting and under compulsion and fear, ignorant of the contents of the paper held out before them, many of the Chiefs signed. Those who returned to Malietoa told him of the proceedings and also informed him that no news had come from the conference and no hope of aid was given them by the United States or British Consuls; that the German demand was upon him personally, and that the orders of the German Commodore were to take him dead or alive.

The efforts of the United States Consul General, invoked by the Samoan Secretary of State, for the good offices of our Government, as provided for by Article V of its treaty with Samoa, had failed to secure a settlement of the difficulties or to obtain for Malietoa terms which would have been honorable to him and would have prevented bloodshed until news of the conference could be received.

The German Consul refused to give assurances that Malietoa would not be deported or forced to sign away his sovereignty.

Malietoa now against the wishes of his Chiefs, and followers, determined to give himself up and to save the lives

of his people, and issued an address to them bidding them farewell. He also wrote a letter to the United States Consul General and the English Consul, stating his intention, and reminding them of the hope held out to him relying upon which he had refrained from putting down the rebellion against him when he was ready and able to do so.

(Mr. Sewall to Mr. Porter, October 10th, 1887, and enclosures)

On the 17th of September, Malietoa gave himself up to the German Consul and on the following day was taken away by one of the German ships.

The Premier of the new Government established his office in the German Consulate and from there all orders signed by him and Tamasese were issued. It was under this condition of affairs that by the first mail received since the news of the German action had been made public to the world, that the United States Consul General received from the Secretary of State the following cablegram, under date of October 10th:--"Am notified by German Minister that Germany has declared war against Malietoa personally for stated causes. Abstain from interference by favoring or opposing either party : The United States reserves all its rights in Samoa and has received explicit assurances from Germany that Samoan's independence and neutrality will not be impaired; that as soon as peace is restored Germany will continue co-operation with the United States and Great Britain to establish stable and just Government in Samoa."

This notification it appears had been received by the Department exactly a month after the German Consul had made his demand of Malietoa and six days after Malietoa had been taken on board the Bismarck. "The first intimation of belligerent

intent on the part of Germany against Malietoa was given the Department on the 29th of August, five days after war was actually declared against him and necessarily several weeks after it was determined upon." (Mr. Bayard to Mr. Pendleton, January 17th, 1888).

The last meeting of the conference was held on the 26th of July. The German squadron, on the 19th day of August arrived at Apia from Sidney, having left Sidney two weeks previous ly leaving but ten days between the adjournment of the conference and the order to proceed to Apia. As a matter of fact, as before stated, it had been given out in semi-official circles in Apia, that the ships were coming some weeks before they arrived and that Tamasese was to be made King under German control whatever the outcome of the conf erence. The assurances contained in the cable-gram received by our Consul General were in strange contrast to the actual condition of affairs when the cablegram was sent and received, for the German action had already destroyed the inde-pendence and autonomy of Samoa. A Government had been installed under the guns of the German ship with its headquarters in the German Consulate. Not even the pretense of a native Government was kept up in Apia. Yet, on the very date of the instructions enclosing copy of the cablegram referred to, Mr. Pendelton writes Mr. Bayard that, having called upon Count Bismarck and explained to him that the latest advices of the Department from Samoa rep-resented the condition of affairs in the islands to be very bad, indeed, only to be made worse by the prolongation of the war there existing; that the Consul of the United States had been instructed to preserve a strict neutrality and was believed to have observed his instructions, but that the Government of the United States was anxious in the spirit of its treaty with Samoa

to urge peaceful adjustment and fair treatment of the Samoans and that in this spirit I was instructed to propose to the German Government an immediate election of a King and Vice King as agreed in the conference, and that the three powers should issue identical instructions to their representatives to promote such election," Count Bismarck stated that "the German Government had determined to deal with him ("Malietoa") personally, making war, so to speak, against his person, but not attacking the Government, or people, or violating in any respect the rights or interests of foreigners and especially the citizens of either of the other powers, the United States or Great Britain: that this determination had been notified to these powers, and seemed to be received, if not with approval, at least with acquiescence; that when the crisis actually came Malietoa was received on a German ship with an assurance of protection and good treatment, and very much more to the same effect," * * * that, he"showed to me a dispatch from the Consul at Apia dated September 17th, 1887 saying that all the important Chiefs had been called to meet on the 15th of September and that coming together they had recognised Tamasese as King established and submitted to his authority; that quiet reigned on the island; there were no more disorders." Mr. Pendleton closed his despatch with the following sentence:-- "He rather felicitated me that the laudable purpose of my Government in proposing the immediate election of a King as a means of preserving the peace and order of the island had been anticipated by the Samoans, and that this having been so readily accomplished and with happy results, there was nothing for the Governments to do in that direction."

The submission to Tamasese, the election of a King "so readily accomplished and with happy results", has been described.

The election of a King had indeed "been anticipated" but not by the Samoans. The German Consul and the German Commodore had established by the aid of the German ships that German mandatory control of Samoa, which had been proposed by the German Minister in the conference, and which the American Secretary of State had refused to agree to.

The only obstacle now remaining in the way of complete German supremacy was the Municipal Government, which in fact had been usurped by the Germans, but had not yet openly been disrupted. The seizure of the Municipality was now determined upon for reasons set forth by the United States Consul General in his despatch to Mr. Porter dated November 8th, 1887, the Chief of which was that, the King having ceded his power within the Municipality, the German authorities there could enforce their orders only through the Municipal police, and these, although nominally under the direction of the German Magistrate, the American Consul General and the British Vice Consul were determined should not be used for political purposes." A heavy tax had been proclaimed on October 12th, under penalty of imprisonment. The Samoans within the Municipality, were exempt from this tax, having more money than those elsewhere in the island, and it was desired to subject them to taxation and also to secure control of the Municipal Buildings, especially of the jail. It was not thought best by the Germans to assume it under the war right, because Commodore Heusner, in his proclamation of war, had declared that the neutrality of the Distict would be preserved, besides this, instructions might be received to conclude peace at any time, and then the forces would have to be removed." The United States Steamship Adams was expected to arrive any moment

at Apia and it was desired to forestall any action that her commander might take. On October 13th, the date of Mr. Sewall's instructions and Mr. Pendleton's despatch above referred to, the German Consul proposed a meeting of the Municipal Board which he had hitherto refused to attend. The meeting was called for ten o'clock in the morning, the regular hour being four o'clock in the afternoon. It has since been acknowledged that it was expected that Mr. Sewall would withdraw from the meeting upon the refusal of the German Consul to yield to him the chairmanship of the Board and that this would be made the occasion of the withdrawal by the German Consul of his Government from the Municipal Convention. The American representatives were delayed in reaching the place of meeting, and, although informed by the British Vice Consul that they were on the way, the German members withdrew and entered the German Consulate in full view of the American representatives then but a short distance from the place of meeting. At the German Consulate the German members met the German Commodore, who had been there the whole morning. Early in the afternoon the Municipality was again occupied by German forces and an hour afterwards the German Consul notified the American and British Consuls that his Government had withdrawn from the Municipal Convention because the American Consul General had refused his consent to the continuation of the German Magistrate in office, and had refused to take part in the meeting of the Municipal Board agreed to for the purpose of electing a Magistrate. The American Consul General immediately replied denying the action attributed to him, and protesting in the name of his Government against "the action of the Imperial German Commodore in assuming control of this Municipality delegated to the representatives of the three

treaty powers by the convention of 1879." (Mr. Sewall to Mr. Porter November 8th, 1887)

The notification from the German Consul stated that the Samoan Government has "taken over the administration of the town and district of Apia, and has applied to the commander of the Imperial German squadron for assistance in the preservation of order." As a matter of fact this application of the "Samoan Government" in pursuance of which the occupation was said to have been made, was written in the German Consulate, a week after the occupation was effected.

A commission was issued to the German Magistrate by the German Authorities in the name of Tamasese, and the Municipal Buildings were taken over by them, and the flag of Tamasese was raised over the Pilot Station.

The Municipal property was the joint property of the tax payers of Apia and the Pilot Station was built on land of an American citizen, leased to the Municipality. Objection was made by the owner of this land against such occupation, and upon the arrival of the United States steamship Mohican, Captain Day, a request was made to the German Consul that the property in question should be vacated by the pilot holding a commission from the German Native authorities who was believed to be a German subject. The title to the land was held at this time by the United States Consul General upon trust to sell the same in case a suit then pending against the owner of the land in the United States Consular Court should be decided against him. The German Consul having received the intimation that the vacation of the property would be demanded on the ground of the American ownership of the land and the joint American ownership of the house upon it, wrote

to the United States Consul General, enclosing a claim of the German Trading Company, to the land. This did not, however, antedate the American title, but during the ensuing correspondence, sailors from the German ships were placed upon the land and the seal of the German Consulate placed upon the building. The details of this transaction are set forth in the correspondence in the despatches from the Consul General to the Department and from Commander Day to the Navy Department, and the American claim was made subject of a communication from the Department of State to the Imperial Government at Berlin. The suit having been decided unfavorably to the American owner, the United States Consul-General advertised the property for sale and it was sold by the United States Marshal and was bought in by the Premier or the German -Native Government for $2500, and the weakness of the German claim thus conferred. During all this period the most harrassing and unprovoked indignities were practiced upon American citizens.

Even before the declaration of war, the day after the ships arrived a German guard had blocked the main street of the town in front of the Government House ostensibly for revolver practice. They stopped all traffic and when the United States Consul General came along, informed him that if he passed on he would be shot at. He continued his way and complained to the German Consul, who replied that the conduct was unauthorized and that the men would be withdrawn. (Mr. Sewall to Mr. Porter September 10th, 1887)

German land claims were extended in every direction often encroaching upon American land which was fenced in by agents of the German Company. Conflicts between these men and the

American owners were averted only by the forbearance of the latter.

The foregoing facts have been reported in the official despatches as published, but reliable unofficial information discloses that they in no measure describe the actual conduct of the German authorities, and the forces under them during the German occupation which from first to last appears to have been conducted with a studied purpose to irritate and annoy our citizens.

The German officers swaggered through the streets insolently treating any passing American. It was frequently asserted to them that England would do, nothing and the United States could do nothing, and that after a few diplomatic protests, the German action would be acquiesced in. To the natives it was given out that this action had the support of England and at a large meeting on Savaii they were told that it was the result of the conference. An American banner displayed conspicuously in a public place was torn down and contemptuously treated by the leader of the local Germans in the presence of the German officers. German sailors were forbidden to frequent or patronize American stores and an order was issued by the German Commodore forbidding officers of the German ships to call at the American Consulate against the expressed regret of some of the officers. It was openly asserted that the removal of the Consul-General had been secured by the Berlin foreign office and he would soon receive his re-call. A comparison of notes showsthat this was at the time Prince von Bismarck's complaint to the Secretary of State, of November 18th, 1887, could reasonably have been communicated to Samoa. Such pressure was brought to bear upon some trades and others de-

pendent upon the German Company for support, that they signed a paper presented to them by an employee of the Company expressing satisfaction with the state of affairs, for which action they excused themselves to their Consul-General on the ground that it was necessary to save them from ruin.

After the occupation when matters had quitted down and no fear was entertained by the Germans of American intervention, it was stated by the Secretary of the German Consulate that the sailor, who knocked down an American citizen on his own premises, as before mentioned, was put in irons in close confinement on the ship, because he did not use his bayonet on the occasion. And this it will be remembered, was before the Commodore's proclamation to the citizens of Apia announcing the declaration of war.. The despotic character of the Government installed by the Germans has been set forth in the despatches of the United States Consul-General. In less than a month, after Malietoa had been taken away, a tax was imposed on the Samoans, and collected by aid of the German ships. Within a year, a tax twice as large followed and late advices report that among the causes of the recent successful revolt of the Samoans was another tax. In all not less than $100,000 has been exacted from the people. This is more than they could pay, and they have been forced to borrow from the German Company, which has thus increased its mortgages upon their land and placed them more completely under German control.

This could not continue excepting with the result of forcing the Samoans to work upon the German plantations and to share with the unfortunate blacks their condition as described in the report of the Special Commissioner in 1886. Indeed by those familiar with the German plan it is understood that this is

one of the objects of the German proceedings, for labor is obtained with difficulty in the South Seas. The Germans covet the land of Samoa, but do not want the people there, unless it be in a state of servitude, and this means the extermination of the Samoans who would prefer death to such a fate.

The collection of the taxes was attended with great hardship. Many Chiefs were imprisoned and humiliated by being forced to work upon the road; especially was this true of those Chiefs suspected of being friendly to the United States. These were singled out for punishment. Manea who was sent by Samoa to make a treaty with us in 1872, and who returned on a United States vessel of war, was put in irons and cast into a dungeon. Mauga the successor of the Mauga who ceded to the United States the harbor of Pago-Pago, refused to pay the first tax and was deported to the Marshall Islands. Asi and Tui prominent among these, were also deported to the Marshall Islands. No form of trial was had in these proceedings. They were arrested by order of the German Premier and in double irons put upon a small vessel which was towed to sea by the German man-of-war. The German ships acted under orders of the German Premier, and it was by means of these that he was enabled to carry out his despotic measures.

Although in the despatch of Mr. Pendleton to Mr. Bayard, under date of October 13th, before referred to, it was stated that the German Commodore at Apia had telegraphed that the German fleet would remain there only a few weeks "by the moral effect of its presence to restrain any tendency to outbreak or disorder," yet it was not until the 25th of December, over four months after their arrival at Apia, that four of the ships

took their departure leaving one behind, and it was only a few weeks afterwards that she was joined by another. That the object of their stay was to support the German-Native Government in power which otherwise would not have remained a day, was made plain in all their movements. There was no secrecy about this, and the Captain of the German ship Adler informed Captain Day of the Mohican that his orders were to support that Government. The deportation of the Chief Asi is one of the most distressing incidents of the German proceedings. The apparent triviality of this offence adds to the enormity of the German action. This Chief, one of the highest rank in Samoa, a warrior famed for his bravery, and remarkably attached to the United States, had a daughter, the most beautiful dancer in the native dance of all Samoa, who to the chagrin of the German officers had refused to dance upon their ships. They had forbidden Asi to allow her to dance on the American ship under threats of punishment. In defiance of these Asi and his daughter visited the ship upon invitation of her commander and in ten days the threat against him was executed and he was deported. Chiefs were warned not to go to the American Consulate and every day were made to realize the danger of having intercourse of any kind with American officials and citizens. The serious effect of this surveillance upon American trade can be easily understood. The natives were forbidden to bring their produce to American stores and the German Trading Company by means of this and of the mortgages they had secured, were given a monopoly of the staple product of Samoa, the only substantial medium of exchange. The money taken from the Samoans was deposited with the German Company which was thus enabled to raise exchange to a ruinous figure.

For this money the German Premier was accountable to no one, and what was done with it is not known. Some of it was expended in building him a house upon land claimed by the German Company, and some in constructing roads to German plantations. In every instance, except in the payment of some nominal salaries to natives, whom the Premier impressed into service to maintain the appearance of a native Government; this money was spent in such a way that whatever the fate of the Government, the expenditure must accrue to the benefit of the German Company. The roads constructed to the German plantations were laid out in many cases through American property which it is the intention of the German Premier to confiscate without compensation. The roads were not necessary, and often parallelled roads already constructed sufficient for Samoans and foreigners. A contract has been entered into by the German Premier for the construction of an iron pier to cost $70,000 and to be built in front of the premises of the German Company.

The only officer of the former Municipality who remained at all independent of the German organization, was the post-master, who had performed his duties through the troublesome period with satisfaction to all classes of the citizens. Three months ago the Germans secured the establishment of a postal agency with the secretary of the German Consulate as agent, and now have complete control of the mails. By an order of the United States Postmaster-General mails from San Francisco are now delivered to this agency, and the American private and official mail must be sent and received through the German Consulate.

The intimate connection between the German Consulate and the German Company is notorious, and the Government

which Prince Bismarck has represented to be a purely native Government, is a Government of this Company, the German Consul, and the German Premier. In it, the natives themselves have had no voice, and have only been restrained from overthrowing it heretfore, by the presence of the German ships. What they have suffered under it is now seen from the desperation which has lead them with no hope of assistance, but with the certainty of the interference of the German ships against them, to take their lives in their own hands in a final struggle which, unless they are aided, must end in their ruthless slaughter. There are now no longer any native factions among them, They are united in their effort to free themselves from their oppressors.

It cannot be doubted that this will furnish the occasion for renewal of proceedings by the German ships as soon as they can be summoned to Apia, and that this time the Germans will not desist until they have effectually established German supremacy beyond all possibility of its being again overthrown. It will doubtless also be the occasion for fresh assurances from the German Government that it has no design upon the autonomy of Samoa. If these assurances are again heeded, delay will follow in which the German purpose will be finally accomplished.

Throughout the whole of this unhappy history the anchor of hope to the Samoan people has been a firm belief that the United States would not permit the question of their national existence to be decided without the active participation of our Government in the determination of its condition.

And this belief has been justified alike by the utterances of our executive officers at Washington, and the attitude of your representatives in Samoa. This has naturally resul-

ted from the course of our action in Samoa from the time of our earliest relations with that country, which we were the first to treat with as an independent power and bring to the attention of the nations in the world.

Our protection was actually promised to the Samoans by Commander Meade in 1872 as the consideration of the grant of the harbor of Pago-Pago the use of which we have already availed ourselves. We undertook by treaty to use our good offices in case of disagreement between Samoa and other nations, and we sent back Mamea the Samoan plenipotentiary in a ship of war, Steinberger went out in 1873 and again in 1874 under instruction from Secretary Fish to impress "those in authority (in Samoa) with the lively interest which we take in their happiness and welfare." President Grant sent a letter to the Chiefs accompanying presents from our Government of a character especially calculated to impress the Samoan mind with the idea of military and naval assistance. In recent years the commanders of the Lackawanna and Mohican, and our Consular officers have constantly interferred to terminate native wars; and even within a year our Consul General was instructed to urge the native authorties to abstain from the highest of all national functions, the suppression of armed rebellion, and to assure them that the great powers would decide the future of Samoa.

In the light of the diplomatic history of the Samoan question, it can hardly be doubted that our Government through its accredited representatives has given the Samoan people reason to believe that, if not prepared to assume a protectorate we would in any event not submit to any settlement of the fate of the group not concurred in by our Government as one of the treaty powers. The attempt of one of these powers to forestall the

negotiations and assume relation which we have expressly refused to sanction, is one reason for our interference, at least to restore the status of 1886, as a matter of good faith to this unfortunate people. But equally strong ought to be the sense of offended national self-respect which has been trifled with by Germany again and again when the reiteration of pledges of non-interference with the autonomy and neutrality of the group from the Berlin foreign office has been simultaneous with the violation of those pledges by the German officials in Samoa.

SUGGESTIONS AS TO THE FORM OF INTERVENTION.

The intervention by the United States in Samoa may take several forms, all of which it is believed would not be without precedent so far as precedent can be found to apply to the anomalous situation there. The organization established under Tamasese, if indeed any remnant of it now exists, should no longer be tolerated by our Government. Its only claim to existence, set forth persistently by the German Government, that it was a stable native Government, had no foundation in fact as is shown by its complete overthrow. If the fiction of this Government should be longer continued the first action of our Government in Samoa should be to destroy and to remove it. Had not the Commanders of our ships of war which have been at Apia for the last nine months been forbidden by their express instructions to interfere with matters on shore, this would doubtless have been accomplished long since. No case could be more in point justifying this action than the case of Greytown and the action of the Commander of the U. S. S. Cyane there.

"Greytown was a port on the Mosquito coast in which some United States citizens resided. These citizens and others interested with them in business were subjected to gross indignities and injuries by the local authorities who were British, but who professed to act under authority from the King or Chief of the Musquito Islands. The parties injured accordingly appealed to the Commander of the U. S. Sloop of War Cyane for protection. To punish the authorities for their action he bombarded the town. For this act he was denounced by the British residents who claimed that the British Government had a protectorate over that region. His action was sustained by the Government of the United States, the ground being the necessity of punishing in this way a great wrong to citizens of the United States and preventing its continuance." (Wharton's Int-Law 1, 229)

Mutatis mutandis this is the case of Samoa, and demands the same remedy. Similar vigorous action was taken when President Monroe in October 1817 called his cabinet together and directed that a vessel of war should proceed to the Amelia Island at the mouth of St. Mary river, and at that time in Spanish territory, which was seized in 1817 by buccaneers under an adventurer who in the name of the colonies of Beuenos Ayres and Venezuela preyed indiscriminately on the commerce of Spain and of the United States. This action having been taken against the German adventurer who has directed the native German organization in Samoa, the way would then be open for other steps to secure Samoan independence and neutrality. This might be done either through recognition of Mataafa who according to latest advices is chosen King of Samoa, and who is known to be an able and capable leader. Having recognized him we might make a treaty with him guaranteeing

the independence of Samoa under him or the islands could be occupied by United States forces pending some agreement with the other treaty powers which would prevent German control beyond any possibility. In the state of native restlessness brought about by the proceedings of the last few years in Samoa, it is probable that an occupation of the islands would be first advisable. Such action was not unusual in our early history, and President Jackson in his 7th Annual Message 1835 made clear the principles upon which it rests." ["Unfortunately" he declares "many of the nations of this hemisphere are still so tortured by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a Government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received and before the discussion of past injuries is fairly begun fresh troubles arise; but too frequently new injuries are added to the old to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it or with its successor if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power without waiting for the establishment of a Government competent and enduring enough to discuss and make satisfaction for them."]

In more than one instance our ships of war have interfered in Samoa to establish peace between native factions, when the situation was far less urgent than now, but the ships sent to Samoa during the late disturbances when their interference

was needed more than ever before, have been there under instructions that absolutely prevented their commanders from accomplishing what they might have reasonably done in the exercise of a proper discretion. The time is past now, however, when the situation in Samoa can be met by less than active intervention with the possibility that it may take the form of interference by force. The recent prompt and skilfully conducted occupation of Aspinwall and Panama by the United States forces under the present administration warmly commended itself to the American people. Though our treaty with Samoa does not require of us such action, yet our rights and interests there are as great and could only be similarly approved.

Any intervention by us in Samoa must be followed up, to be of any avail, by the establishment of a Government there under assured native and independent control. If the plan which Mr. Bayard proposed at the conference, of a joint Government by the three treaty powers, be abandoned, as is indicated by the unwillingness of the German Government, to negotiate on that basis or indeed on any basis, the note of Mr. Bayard of January 19th, last in which the American position is fully set forth, remaining unanswered, this Government may properly guarantee the sovereignty of Samoa as was done in the case of New Granada, and for much the same reason. A joint guarantee by the three treaty powers might find a precedent so far as the United States is concerned in the Clayton-Bulwer treaty, but it is assumed after what has passed between this Government and the German Government supported as it is in its extraordinary position by the British Government that joint action regarding Samoa is impossible, and is forbidden alike by consideration of our own national honor as well as of humanity

which demand that there shall be no more delay and no more illusory hopes held out to the unfortunate Samoans which will place them more helplessly in the hands of their German oppressors.

Recurring to the position of Samoa and our national interest in the preservation of the neutrality of the waters of the group and of our rights there as a part of the American Continental and Isthmian system soon to become of the greatest importance through the completion of the Isthmus canal, to be maintained by our intervention, it is to be observed that the American policy of intervention against the extension of the European system over hitherto independent states first enunciated by President Monroe is not confined to the American continent. "Neither the terms in which the doctrine is originally stated nor the action of our Government since will be found to justify any such conclusion." The application of this doctrine in the case of Hawaii has already been discussed. Declarations of our Statesmen are not wanting suggesting its application to other islands. Mr. Jefferson writing to President Monroe, June 11th, 1823 intimates that it might be advisable to interfere by force to prevent Great Britain taking Cuba from Spain in case she should attempt to do so, and that it might be advisable to induce her to join us in guaranteeing its independence against all the world. Mr. Clay, Secretary of State, applies the same doctrine to Cuba in 1825, and again in the same year he writes to Mr. Brown October 25th, extending it to Porto Rico,-"You will now add that we could not consent to the occupation of those islands by any other European power than Spain under any contingency whatever." So, also, to the same effect Mr. Gallatin to Mr. Clay Secretary of State December 22, 1826. And more forcibly still has the same doc-

trine been applied to Cuba by Mr. Webster and Mr. Forsyth, Secraties of State. Both declared that in the event of any attempt made by England to wrest Cuba from Spain, "she, might securely rely upon the whole naval and military resources of this country to aid her in preserving ~~or~~ recovering it ." To the same effect, Mr. Upshur Secretary of State October 10th, 1843 and Mr. Buchanan Secretary of State June 13th, 1847, and June 17th, 1848. The importance

The importance of the reflex effect of our action or inaction in Samoa upon our position in Hawaii cannot be over estimated. It is well known that the situation there is such as already seriously to imperil the neutrality of that group and our proper influence there which we have attempted to secure by renewing the reciprocity treaty, and it may be said that already the native Government has fallen under the control of Great Britain by "diplomatic finesse" and the secret but effective influence of ~~the~~ British Commissioner and naval commanders. The revolution which resulted in giving a new constitution to Hawaii and during which the crown itself was saved, it is believed, only by the moral effect of the presence of an American ship of war, was brought about by British influence and lead by British subjects. Four of the present cabinet are British subjects and only one American. It is now openly acknowledged that the commander of the British ship which arrived at Honolulu shortly after the revolution would have raised the British flag over the islands had it not been that our ship was already there. The completion of the Canadian Pacific Rail Road and the projected cable and steamship line for Vancouver to Australia has made the British Government very alert to the importance of Pacific possessions along this line

Surveys of Hawaii, Samoa, Tonga and Fiji, are now being made on this course. British attention has been fixed more than ever before upon Hawaii, and it is probably that Germany having no great interest there will support Great Britain in any efforts she might make to bring those islands under her dominion. We have already seen in the question of Samoa British support given to Germany, and it is not unlikely that secret understandings have already been made between those two powers for the disposition of Hawaii, Tonga and Samoa, and that in this disposition the United States is to have no voice. British investments in Hawaii have been increasing there so rapidly that they suggest other than commercial consideration as the reason of their creation. The native feeling and that if the business community is overwhelmingly American, but no one familiar with the situation there can fail to recognize the insidious political influence of Great Britain fostered as it is by British officials, who make this work the chief part of their duties. The course of affairs in Samoa has excited great attention at Honolulu, and our conduct there is closely watched by these. It is the first time that we have been brought face to face in the Pacific with the question whether we shall allow an independent state whose importance as a part of our American commercial system is admitted and with which we have made a treaty, to pass under the open control of an European power. If German action be checked there, British designs in Hawaii will also be checked, and complications there which are sure to follow these, avoided. If Germany is allowed free hand in Samoa, and is allowed again to subvert the native Samoan Government which, in spite of the greatest obstacles, has

now re-asserted itself, the question will be presented to us whether we will maintain as our Secretaries of State and Presidents have declared we would, the independence of Hawaii.

Great and growing as is our commerce with that group, our real interest is not commercial but political, and it is for political consideration that our proper influence there has been maintained and enforced by the reciprocity treaty lately renewed at the cost of a loss of ten millions of dollars to our annual revenue. The same political consideration which have impelled us to assert this influence in Hawaii, at such a cost, requires us to assert the same influence in Samoa. The relation of Hawaii to our California coast and the highways of commerce of the Northern Pacific is precisely the same as that of Samoa with respect to the Isthmian coast, and the commerce of the Central Pacific.

The commerce of the world is being done more and more by steam, and the importance of naval stations in distant waters is more and more appreciated by maritime powers. The public feeling existing in our own country in favor of the resuscitation of our merchant marine, and of the building of a navy equal to our needs, which has already accomplished such good results under the present administration, is alive to the necessity of our securing such stations. Mr. Seward, Secretary of State wisely anticipated our need when in April 25, 1886 he wrote "It is indespensable for us to have coaling stations under our own flag for naval observation and police, and for defense in war as well as for the protection of our widely spread commerce, when we are at peace ourselves."

This want, even for our commercial marine is nowhere more sensibly felt that on the track between Panama and San Francisco. The question, then occurs, what point beyond our jurisdiction would be most eligible for this service? "

When the passage of Isthmus is accomplished, what more eligible site for a naval station than Pago-Pago in the track of the world's commerce to Australia and of our own from our Western coast to those growing colonies and to Asia? How valuable is our neglected privilege in that magnificent harbor, the report of our naval commanders visiting there and the envious regrets of those of other nations, attest.

Time was when there seemed little danger of our lacking a foothold in the Pacific. The achievements of Wilkes early brought us conspicuously before the natives throughout the Pacific, and the universal good will which they have everywhere since shown toward the flag of our Government is not the last among the lasting glories of that famous expedition. Long since many islands of the Pacific were ours by virtue of discovery and occupation, and to-day there are others owned wholly by our citizens who have sought in vain to have these placed under the protection of our flag. Once indeed, our flag floated over the Marquesas, as it has three times over Samoa; but the indifference of our Government has sacrificed the advantages which were ours if we would seize them. To-day there are but three groups of islands in the Pacific which have not passed under foreign flags Even in these, native control exists hardly more than in name, and in Samoa it has been already violently destroyed. At this very moment news comes that France has taken the Marquesas, Great Britain the Cook Islands, and Chile awakening to the

situation, has raised her flag over Easter Island. Mid-way Island, a barren coral reef, a thousand miles from Hawaii in the Northern Pacific, alone remains to us .

Report from Special Agent G. H. Bates, Sent to Samoa in 1886

This Report of Dec 10 1886, is indexed in Dip re-Yester. This looks like a later report.

The dispatches bound in "Samoan Conference at Berlin" are of a later date

George H. Bates
Special Agent, practically the same as the forwarded report. After 1888.

~~When, in July 1886, the suggestion was made to me to go~~ to Samoa in the service of the Government, I endeavored not to betray the uncertainty which I felt as to its precise situation. Until my attention was thus called to this one Pacific group, Polynesia existed in my mind collectively; and like most Americans East of the Rocky Mountains, I could only locate the principal island groups of the Pacific by means of a map. At that time, probably no one in this country outside of the State Department, except a few officers of the Navy and the people of San Francisco, had any definite idea of the position of this group of islands in the Pacific, of its relation to our own coast, and the commercial ~~relations~~ interests of the world, the character and history of its people ~~or its treaty relations to the three great commercial nations.~~ Within the last few months, ~~all these have become more or less familiar.~~ The agitation of the subject in Congress and in the press has made known to the country a group of islands superior in location, in natural advantages and in the character and intelligence of its people to the rest of Polynesia; and we have learned that we possess treaty rights of the utmost value, including the opportunity to control the most magnificent harbor in the Pacific, the loss of which to the British Empire was long ago bewailed by the most intelligent Englishmen.* The change of sentiment in this country on this subject is well reflected by the action of Congress with respect to it. Though hitherto, suggestions from the Navy Department as to the necessity of an appropriation for the improvement of this harbor and the establishment of a naval station received no attention whatever, a substantial sum

has ~~been~~ been recently voted in both Houses for that purpose; and the attention of Congress and the Country thoroughly aroused to the necessity of asserting and maintaining our right to the permanent neutralization of Samoa and the establishment of its autonomy on a firm foundation.

The Missionary Williams, one of the most intelligent navigators of the Pacific, more than a half century ago, alluding to the project of a British settlement at one of the South Sea Islands, "where ships might refresh and equip without being exposed to danger," said "Should such an establishment be determined upon, the Navigators' Group is a most eligible place for its formation. Its central situation, the excellence of the harbors, the abundant supply of water and provisions, the amazing extent of rich and arable land and the quantity and variety of the timber, are important pre-requisites for an establishment of this description, and such as must insure its prosperity."

Samoa was probably discovered by the French navigator Bougainville in 1768, and eleven years after, La Perouse touched at the Island of Tutuila, where one of his officers and boat's crew were killed by the natives. The most authentic accounts, however, of the occurence, indicate that the massacre was provoked by the shooting of a native for a trifling theft, apparently not concealed, and probably committed without the slightest criminal intent. Nevertheless, this circumstance led subsequent navigators to avoid the islands upon the supposition that the natives were savage and treacherous. Such a conclusion conflicts with the impression received by all subsequent visitors.

In August 1830, the martyr Missionary John Williams,

who claimed to be the first Englishman to visit the group, landed on Savaii, and in his interesting account of his work in the Pacific, conveys clear and definite impressions of the Samoans as he found them. They were savage only in being given to war. There were no traces of cannibalism, of human sacrifices or of infanticide. They were gentle and courteous in their intercourse with strangers. They were not much given to idolatry and had a vague idea of a Supreme Being, whom they regarded as the Creator of all things and the Author of their mercies. They called Him Tangaloa, and were accustomed at feasts to give thanks to Him before eating. Indeed, it is remarked by Williams that, in his voyages, touching most of the Pacific Islands, he found the Samoans to be the only people who had a word for "thank you"--
faa fetai. The Missionary voyager was strongly impressed by the force of character of the Malietoa of that period, as was also, Com. Wilkes nine years later: The latter found in him a strong resemblance in features to General Jackson. Williams found the people, then as now, with a fine physique and of much intellectual capacity--not in the direction of depth of thought and profundity of research, but characterized by "wit," ingenuity, quickness of perception, a tenacious memory, a thirst for knowledge, when its value is perceived, a clear discernment, a high appreciation of the useful, readiness in acquiring new and valuable arts, great precision and force in the expression of their thoughts, and occasionally bursts of eloquence of a high order." In these respects, he did "not hesitate to affirm that they did not rank below the Europeans" and that many of them would, if they possessed equal advantages, "rise to the same eminence as the literary and scientific would of our land." It is true that the Missionary was an

enthusiast, but Com. Wilkes, who made a thorough examination of the group in 1839, gives a hardly less attractive description of its inhabitants; and it is safe to affirm that no American has since visited the islands without bringing away with him the same general impression of their marked superiority among the Aboriginal races. Those who are unfamiliar with the South Sea Islanders are prone to group them together and to think of them in connection with the Negro race. Nothing is further from the truth. There are in Polynesia two distinct races, as different in their physical and mental characteristics as is the Caucasian from the Negro or the American Indian from the Mongolian. While the black races of Polynesia are in appearance and characteristics assimilated to our ideas of the Negro in his uncivilized state, it is to the other, or copper-colored Polynesian race that the Samoans belong; and while their origin has been the subject of much learned investigation and discussion, there seems to be no reason to doubt that the origin of this race was in the Malay Archipelago. The apparent difficulty of supposing that their progenitors went by sea a distance of six or seven thousand miles is reduced by the existence of islands all along the way, making quite easy stages. The longest one, in a voyage from Sumatra to Tahiti, Williams estimates at not much over seven hundred miles; and as to the possibility of such voyages in the native canoes, he tells us that his own boat was, on one occasion, driven before the wind from Tahiti to Atiu, and on another from Raro Tonga to Tonga Tabu--a distance, altogether, of fifteen hundred miles; and that on one of his voyages, he conveyed home some natives who had been drifted in a single canoe to an island one thousand miles West of their own.

Mr. Williams found the Samoans peculiarly susceptible to the influence and teachings of the missionaries, and he relates that in less than twenty months chapels were erected and the people ready and anxious for instruction. The islanders are now generally Christians by profession, and their consistency in practice is quite up to the standard of more civilized people. They are particularly rigid in their observance of Sunday, and cannot be induced to engage in any work on that day.

Nine years after the first visit of Williams, Com. Wilkes not only touched at the islands, during the course of his famous expedition, but made a thorough examination and survey, and his narrative contains an extremely interesting report of the group and its inhabitants. He was much struck with the manliness and intelligence of the natives and their frank and open expression of countenance. He found that the greatest restraint on the conduct of the chiefs appeared to be the fear of losing the good name of their ancestors, and of not handing it down to posterity pure and unspotted. His conclusion was that with instruction and civilization they would probably become a thriving people.

After the visit of Wilkes the attention of our Government was again attracted to the group by the report made by Commander Meade U. S. N. of his agreement with the Chief of Tutuila in 1872. About the same time the attention of President Grant was directed to Samoa by a report of an investigation of the resources of the islands by private individuals on the Pacific coast, and the result was the mission of Col. Steinberger, as a special commissioner of the United States. His instructions were to observe and report upon certain specific points---

"1. The number of islands, constituting the group, and the extent of each;

2. The number of inhabitants, both aboriginal and from abroad;

3. The nature and quantity of the agricultural and other productions;

4. The harbors suitable for vessels engaged in long voyages by sea."

The commissioner sailed from San Francisco, June 29, 1873 and on February 9th, 1874, transmitted a long and interesting report covering the subject matter of his instructions. ÷

÷ (Foot note) Ex. Doc. No. 161, H.R. 44 Cng. 1st Sess)

Having won the confidence not only of the natives but of the Foreign residents, Steinberger returned to Samoa in a man of war in 1874 as a special agent of our government, to serve without pay. He was the bearer of certain presents from our Government to the King of Samoa, and his instructions, dated December 11th, 1874 expressly limited his functions "to observing and reporting upon Samoan affairs, and to impressing those in authority therewith the lively interest which we take in their happiness."

During his second visit Steinberger resigned his position as an agent of our government and became the Premier of a Samoan Government formed under his direction. His prominence and influence excited the apprehensions of the English and our own consul being also hostile to him, the King was induced to ask his deportation which was accomplished by a British Man-of-war.*

Among his papers, which were seized, was found a

a secret agreement with the German firm at Apia, which was used as evidence that he was acting in its interest. The causes of his losing influence have been the subject of much discussion which is now of less interest than the existing situation.

It was after Steinberger's term that the treaties of 1878 and 1879 were made and the present chapter of Samoan history began when first the German and then the American flag was raised, both acts being disavowed by the respective governments.

The agreement between Great Britain, Germany and the United States that each should send to Samoa a confidential agent to make an investigation and report, grew out of a suggestion of our Government for a conference at Washington between representatives of the three treaty powers. The proposition was accepted with a modification, previously suggested by Germany, that before the conference, each power should send a representative, to investigate the political condition of the islands and report thereupon, with suggestions as to the best remedies for the troubles existing there. The essential basis of all negotiations, prior to that time and since, was the preservation of Samoan autonomy, and the neutrality of the group was treated throughout as something which could not be interferred with without the violation of rights possessed by the Government of the United States and considered valuable enough to be maintained. After the German flag had been raised at Apia, under date of January 12th, 1886, the Secretary of State telegraphed to our Minister at Berlin "You will temperately but decidedly in oral conference, notify the German Minister for foreign affairs, that we expect nothing will be done to impair the rights of the United States under existing treaty with Samoa, and anticipated fulfil-

ment of solemn assurances heretofore and recently given that Germany seeks no exclusive control in Samoa." In reply to this County Bismarck said to Mr, Pendleton (Jan. 16th, 1886) "Whatever may have occurred, we intend to maintain the status as it has heretofore existed. We have been satisfied with that; it has been satisfactory to the three governments; we have neither interest nor desire to change it; but if we had, we would take no step, make no movement without frankly consulting in advance the United States and Great Britain. If any wrong has been done, it shall be righted and reparation shall be made, and nothing shall be allowed to change the relative positions of these Governments. "

In the same interview Mr. Pendleton said "That the United States have a treaty with Samoa, xxxxxxxxx antedating that of Germany or England, securing to their citizens great advantages in the way of trade and whatever further benefits might, at any time, be granted to the most favored nation, and would not look with composure on an attempt from any quarter whatsoever to interfere with the provisions of that treaty, or to acquire any exclusive rights or privileges of occupancy or trade." "To all of which," Mr. Pendleton writes, "Count Bismarck assented very appreciatively". The first suggestion of joint control by the three treaty powers was made by the Secretary of State in the despatch to Mr. Pendleton June 1st, , 1886 proposing the conference which contemplated absolute equality of action and control among the three powers. The proposition of a conference, and prior to it an investigation by the commissioners was in the line of this purpose alone.

Commissioner

The instructions to the American ~~Consul~~, under date of July 22nd, 1886, after referring to the provisions and assurances of the three powers, "Of their positive abstention from schemes of annexation or sole protection of the islands," proceeded to recognize that "the temporary situation in the islands may prove to be such as to require the joint effort of the treaty powers to preserve order and insure stable Government in which native interests should be under autonomous control." It is asserted that "each (power) has its treaty with the native Government and their several rights run side by side so that any predominance of one would clash with the interests of the others. This is admitted by the treaties themselves. Those of Germany and Great Britain each recognize the prior treaty with the United States, and both, by implication and in terms, bind those powers to respect it. This is especially true of the right to maintain coaling stations on the islands, which was first secured by the United States by their treaty of 1878, a portion of the harbor of Pago Pago being set apart for the purpose. The British and German treaties followed with similar provisions, the former expressly recognizing the prior right of the United States in the premises by providing that their national stations should not encroach on that portion of the harbor already secured to the United States. We have here the principle of neutralization distinctly enunciated, and this circumstance has had an important influence on all that has since transpired. It is of special importance to the United States, for in no other part of Polynesia is a right of this nature possessed by them."

Under these circumstances and with these instructions I went to Samoa. Leaving San Francisco on the mail steamer

July 31, 1886, I reached Tutuila on Sunday August 15th having spent a night and day at Honolulu. It was about noon when the island was reported and very soon it rose out of the sea, lofty and precipitous and clad in a singularly beautiful garb of green which was an agreeable surprise after having fed the imagination for a week upon the bare and blackened appearance of the Hawaiian group. It was not long before I and my belongings were put over the side of the steamer and transferred to a small German schooner which had taken the place of the German mail cutter. As I left the steamer Dr. Stuebel, the German Consul General came on board and we were introduced at the gang way. (~~He said in Apia that he was going home on a visit, but it became afterwards apparent, as conjectured in Apia, that he was re-called under the suggestion of our Secretary of State for a change of the three consuls.~~) The voyage of sixty miles from the Westerly end of Tutuila to Apia occupied the afternoon and night. The cabin being infested with cockroaches of gigantic proportions, more comfortable quarters were found on deck, where, wrapped in a blanket, I lay on a hatch-way and varied my contemplation of the Southern sky by trying to shelter myself from those sudden showers out of a clear sky, which, in that portion of the world, are the rule, not the exception. When the first of these came, I betook myself, blanket and all, into the companion-way; and sitting on the top step just under shelter, watched the cockroaches crawling over the naked body of the Chinese cook who lay in a berth below; but, having obtained from the Mate on watch a piece of matting to cover my thoroughly soaked perch, I subsequently followed the example of the Captain who lay on a Sea-chest near by, and when the sudden showers came on, turned the blanket over my head and paid no further attention to them. By daybreak we were sailing around the Eastern end of 10

~~the~~ Upolu, and as the dawn progressed, the beautifully wooded slopes of the island, rising from the sea by gradual ascent, to the heighth of four or five thousand feet, came out in bold relief. Before eight o'clock we rounded the point at the entrance of the harbor, and as we slowly approached our anchorage, there was ample time to observe the beauty of Apia, nestling under the hills and stretched along the shore in a semi-circle from Matautu Point to Mulinuu, until recently the traditional seat of Samoan government.

The United States Steamer Mohican had been ordered, by cable, to Auckland to meet me, and it was a disappointment not to find her at Tutuila. It transpired, however, that she had been beyond the reach of the cable in Fiji; and it was sometime after my arrival before I had the satisfaction of seeing her steam into Apia. Meanwhile, in the absence of the Consul, I found myself confortably ensconced at the American Consulate, taking my meals for a few days at the International Hotel, kept by an American, ~~for a few days~~. Afterwards, in view of its distance, I was fortunate enough to make an arrangement for meals until the Mohican should arrive, nearer the Consulate. The German officials have most excellent quarters, and Mr. Travers, the German Special Commissioner, was kind enough to invite me to take up my abode there, as did also, the British Consul and his wife, ~~who had a most~~ in their very attractive and comfortable house. Both these invitations, however, I was obliged to decline, as the acceptance of either would have given a false impression to the natives, who are easily affected by the most trifling circumstances.

On the morning of my arrival after breakfasting at the Hotel, I started out in quest of the American Consulate and

stopped to inquire the way at the store of an American merchant, to whom I had brought letters and messages from his friends in the United States. While talking with him, he suddenly turned and beckoned to a fine looking native who was passing, saying to me at the same time, "Let me introduce you to the Secretary of State." It proved to be Mamea,* who came to Washington in 1878, and is a co-signatory with Mr. Evarts of the treaty between the United States and Samoa. I had already become somewhat accustomed to seeing the natives walking along the street with only a breech-cloth or lava-lava except that many of the women wore some loose garment about the shoulders; but it required a readjustment of preconceived ideas to stand as I did, shaking hands with Mamea and observing a secretary of state barefooted, bareheaded with a loose doublet around his legs reaching to the knees, and a blouse or jacket, which I afterwards observed, was rather characteristic of high officials who usually wore either such a garment or a shirt hanging loose over the lava-lava. I found Mamea affable and intelligent and able to speak English moderately well. He walked up with me to the Consulate, near which I saw, flying from a flag-staff lashed to the top of a large tree in front of the Government building, the Samoan flag and over it waved the little American flag which Consul Greenebaum had raised the May previous. Captain E. L. Hamilton, the American Vice-Consul, received me very courteously, as did, also, Mr. Travers, the German Commissioner, on whom I called a little later. Capt. Hamilton has resided in the islands over thirty years, has accumulated property there, and both personally and officially, was a creditable representative of this country. His wife is a Samoan woman of high rank, very attractive in person and manners, whose hospitality is doubt-

* It turned out that he was really Secretary of the Interior, 12
it made little difference as there was then practically an interregnum and
officers were nominal

less remembered by all Americans who have visited Apia within the last few years.

Soon after my arrival at Apia, the English Commissioner, Mr.(now Sir John B.) Thurston, arrived, and he and Mr. Travers and I became absorbed in the investigation which was the object of our visit. Very soon after my arrival, though I had no official relation to the Government there, I made a call of courtesy upon the King and found him to be a man of fine personal appearance, with an intelligent and benignant countenance and great dignity of bearing, ~~The only garments worn by him were a lava-lava, and hanging loosely over it, a white muslin shirt such as may be bought in any furnishing store, the bosom of which was ornamented with some small black studs.~~ which the extreme simplicity of his native dress did not lessen. Mr. Thurston also called upon the King, but Mr. Travers did not, giving as his reason the strained relations between the local German officials and Malietoa, which were afterwards made the pretext for a declaration of war by Germany against Malietoa personally. The King shortly afterwards made an appointment with Mr. Thurston and myself to return our calls and we received him together and I afterwards saw him quite frequently without any change in my first impression.

This King presents a figure humble but heroic. Monarchs of prouder name and more extended sway might emulate the singleness of heart with which he devoted himself to his one object in life, the good of his people. It was impossible to converse with him frequently without being deeply impressed by this as his leading characteristic. Conscious of his own limitations, but of extreme rectitude of purpose; he lent a willing ear to those who could unfold the better ways of higher civilization and adapt them to the growing needs of a people strong in native stock and promising in capability of development under stable government and enlightened contact; even his apparent vacillation at times as he sought annexation or protection from one or other of the great powers, was due to a lofty preference for the welfare of his country at the expense of his own sovereignty. When at last confusion, disappointment and treachery closed around him, Malietoa gave himself up, in the vain hope that the ~~almigation~~ abnegation of all that made life dear, his personal hope of being the medium of reform and advancement to the Samoans, might spare them the cruelty of further outrage and suffering. Calm, Christian, and in a certain sense statesmanlike from his exile home in strange islands of the Western Pacific Malietoa Laupepa, the rightful and recognized king of Samoa has a call upon our high consideration and active remembrance. Three other chiefs deserve a special mention, Mataafa since chosen King and sur-named Malietoa, was during my visit in the party of Tamasese, though the latter was his inferior both in lineage and capacity. Mataafa is a man of great force of character as he has recently demonstrated to the world. He is in common with many of his countrymen a devout Roman Catholic of which church there is a flourishing branch in Apia under the care

of French Missionaries. In my report, since published, I referred to Mataafa in connection with a prediction which I ventured to make that the recognition of Tamasese would result in immediate divisions among his followers as to future leadership. Seumana was the Governor or head chief of the Tuamasaga district, in which Apia is situated. He seemed to me, taking in the whole range of physical, mental and moral attributes, a man of as fine nature as can be produced anywhere. The highest civilization has not ~~produced~~ revealed a more atttractive picture of domestic happiness than that of Seumana and his wife Faatolia and their baby. In the stirring time prior to Malietoa's deportation Faatolia was , probably with truth, suspected of being a medium of communication between Apia and her friends in the bush. Consequently she ~~had placed in her house a~~ was taken to the barracks and placed under a German guard who are said to have refused to permit her to go out of their sight, even under the most extreme necessity. ~~She it was who replied to insulting proposals made to her about the same time "you may kill me, but you can never make me your wife."~~

Asi was the great war chief on the side of Malietoa. Having a physical frame unsurpassed by any I have ever seen, he was at ~~the same~~ times as gentle in manner as a woman. He conversed with fluency and force and emphasized his words with the right fore-finger extended which often came down upon a table in front of him with a force which made one tremble to think what would be the power of his uplifted arm with club or axe in battle. Asis daughter Faapeia, was the most graceful and beautiful Samoan dancing girl with a figure which might excite the envy of any woman. She never moved about without a train of attendants and in this style frequently visited the American ships and danced for the

amusement of the officers. At the time of greatest stress she was asked to dance on the German ship and her father refused to allow it. Her dancing in the United States ship Adams immediately after made the German officers very angry and soon afterwards Asi was deported. The other native chief whom I specially recall was Selu, the Secretary of State. Slight in stature and frame, he was keenly intellectual and fertile in resources, with courtly bearing and mild, though persuasive speech; it often seemed to me that a high degree of education would make him capable of winning anywhere great social triumphs.

Tamasese, the leader of the insurgents, I did not see, he being with his forces at a distance from Apia, but there was a general concurrence of opinion, except among those who were supporting him, that he was a man inferior in capacity to the chiefs just mentioned, and, although entitled to be treated as a chosen head of the Tupua family, it is hardly likely that he could have maintained himself as a leader, except under the tutelage and with the active support of a foreign power.

The climate of Apia is not at all trying. The temperature does not vary the year round two degrees from 80°F. and there is always the trade-winds blowing with such regularity that the residents speak of going to windward or to leeward instead of east and west. The atmosphere is moist and out of the breeze one perspires freely; but it is always easy to find a breeze going by out of doors. An umbrella is a constant companion, not only for protection from the sun, but also from frequent and sudden showers, which come without any premonition and are often over before shelter can be reached. The natives always run under shelter from these showers, not because they have any clothes to be injured, but because they object to having their hair wet after it has been dressed; and they present a comical appearance walking along naked above the waist, bareheaded and holding an umbrella over them. They lime their hair every Saturday, and during most of that day go about looking, so far as the hair is concerned, like plaster casts. The effect of this is to change the natural black to a sort of crushed strawberry color. Towards evening they bathe in the rivers and after washing off the lime, rub off the hair, until it is shiny, with cocoanut oil and dress it with great care. The ease with which foreigners become accustomed to seeing the natives in scanty costume makes it doubtful whether the efforts of the missionaries to induce them to wear clothing like foreigners have been entirely judicious. Their natural costume, besides its inexpensiveness, is well suited to the climate. In Tonga, where the natives are compelled by law to wear clothes, they utilize every available fabric from old coffee bags up, and the result is not conducive to cleanliness, which is a marked characteristic of the Samoans. The latter are greatly favored by

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having, all around the coast at short distances, beautiful fresh-water rivers, which find their way from the mountains of the interior to the sea over pebbly beds, and in these at all hours of the day, the natives of both sexes disport themselves like ducks, whose equals they are in managing themselves in the water. The houses of the Samoans are extremely well built, the floor space being dug out about two feet and filled up with clean stone, thus insuring good drainage. The house stands on posts with adjustable curtains or screens made from cocoanut leaves hanging between each two posts. The roof timbers are very ingeniously arranged and tied together with a fine twine made of cocoanut fibre and then the roofs are thatched with dried leaves or straw made from them. The house-builder makes a regular trade of his business but does not contract with his customer. He goes on and builds about three-quarters of the house and then waits for a partial payment. If this is a satisfactory amount he finishes the house; otherwise he leaves it unfinished, which disgraces the owner to such an extent that he is careful not to incur such a calamity.]

Much might be written of the manners and customs of these people if such were the purpose of this paper. It may be said in brief, that they are a high spirited, generous, courteous and tractable race with the same characteristics which attracted the attention and the admiration of Williams and Wilkes fifty years ago. Their traditions and customs are reasonably adapted to their own government, though naturally including many things which ought to be changed, without too sudden a wrench, just as among English-speaking people, modern laws and usages rest upon a better foundation as developments from, rather than displacements of, early customs. It is the presence in Samoa of a rela-

tively large foreign population, with more or less of the greed and selfishness usually characteristic of the relations of white people to aboriginal races that has made difficult the problem of government, and that necessitates the well considered assistance of the great powers whose citizens and subjects have acquired residence and property interests in the islands.

The main ~~xxxxxxxxxx~~ recreation at Apia is horse-back riding, although the natives, being spared by their genial climate and productive soil from the necessity of labor are much given to games of all sorts, cricket being the favorite among outdoor sports. I remember one evening looking into a native house for a man whom I wanted to see and finding four Samoans sitting on their mats playing euchre with a pack of American playing cards, by the light of an American lamp filled with American oil. ~~Contact with civilization has already taught them to use sewing machines, umbrellas, cutlery, fire arms, cotton fabrics, and many other varieties of manufactured goods of which our own country is able to produce much more than its own necessities require.~~

There were at Apia an abundance of good saddle horses and but a single carriage; and nothing could be more delightful than a ten mile ride in the afternoon along the coast, or through the magnificent cocoanut plantations which slope up the hills behind the town.

Having immediately after my arrival settled down to work after a short sojourn on the shore, I had the satisfaction early one morning of seeing the Mohican steam around the point and into the harbor; and thereafter, I found myself in most comfortable quarters on board, where I enjoyed to the fullest extent the unwearying hospitality of Captain Day and the cordial

co-operation with respect to the objects of my mission of himself and his officers.

With the exception of two weeks absence on a trip to Tonga, on the Mohican, I was unremittingly engaged in the investigations which I was required to make, and in the course of them found all the foreign residents not only willing but eager to impart information and opinions, all of which had to be carefully weighed with du regard to their source. At last, on October 17th, I was transferred from the Mohican to the San Francisco mail steamer and reluctantly bade farewell to Samoa. The 17th of October on which I left Samoa was Sunday in East longitude time. This is observed in Samoa although it is in West Longitude, because the early missionaries carried with them New Zealand time. Consequently as I stepped on board the mail steamer I found myself in the middle of Saturday October 16th and the following day enjoyed the novelty of a second Sunday October 17th. This made me even again as I left the out-going steamer on Sunday Aug. 15th and on the following day found myself in Tuesday August 17th. Monday August 16h, 1886 was a day entirely lost to me, and in place of it I had in that year a second edition of Sunday, Oct. 17th ~~October 17th~~ The three commissioners had reported to their governments early in 1887, and extracts from their reports were exchanged and in June and July of that year the conference met at Washington, the Secretary of State representing the United States and the German and British Ministers theie respective governments.

The protocols of the conference recently sent to Congress have fully disclosed its internal history. Its failure

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of immediate practical result was due to the insistance by the American repr sentative upon the principle of equality of control which had ~~been~~ theretofore been uniformly admitted in every allusion to the subject by representatives of the treaty powers, while the German representative for the first time, set up a claim to manda - tory control for Germany in violation of the understanding upon which the negotiations had proceeded. This divergence of opinion and the surprise occasioned by it was forcibly expressed by the American representative at the time. "It may therefore be regarded as fully recognized and established that the object of the United States in proposing the present conference and of all three powers in sending commissioners to the Samoan Island to report on the condition of affairs, was to maintain autonomy and independence of the islands under a native government. Such being the declared object of the conference I have listened with regret to plans and suggestions that appear to me to depend upon the recognition of an inequality of interest of the three powers in the political, moral and commercial welfare of the islands and to look unequivocally to the prompt suppression of the native government."

Protocol Sixth day.

"They embarked upon the conference with a declaration of the absolute equality of the three powers, and that they were acting in an advisory capacity towards the Samoan people, and that they desired to preserve the independence and autonomy of the Islands and absolute equality of treatment in respect of commerce, navigation, jurisdiction etc., and it is further stated that it was intended that there was to be no inequality whatever in respect to the influence to be exerted by the three governments

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upon this community; that whether their interest was little or large the basis of their approach to this question was the equality of the three treaty powers in dealing with the subject of Samoan government. # # # They approached it with equal responsibility and equal right to deal with it. It was understood that they all had agreements in the form of treaties with this people and were disposed to stand by them. This is found in the united representation of the three powers, that the existing treaties were to remain." #

Protocal, Fifth day.

The conference was adjourned, not concluded on motion of Mr. Bayard, to permit the consultation of its members with their governments upon the subject of their differences; and in a despatch dated August 7th, 1887, Prince Von Bismarck, after re-stating the different views expressed in the conference, admitted that the position taken by the German Minister could not be maintained except with the cordial concurrence of both of the other treaty powers, and he reiterated the often expressed understanding as to equality of interest and control in the most unqualified terms.

"The Imperial Government does not see in the American counter-proposition any redress of the now existing evils; it does not aim, notwithstanding the preponderance of German interests over those of other nations in Samoa, at the exercise of a stronger influence with regard to the affairs of the islands than England and America, unless such influence would, in the common interest of the three nations, be willingly conceded to it, as has been done by Great Britain, and as we were in hope would be done by the United States, too. This hope having proved

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to be erroneous, we consider, as we have done hitherto, the now existing equality of rights of the three nations as the acknowledged basis of their relations to Samoa."

"The Imperial Government is, of course, far from intending to bring about any change in the political relations which the three powers represented there and connected by friendship entertain to Samoa; on the contrary, we maintain unaltered the existing treaties and stipulations between us and the Government of Great Britain and the United States with regard to that group of islands, as well as the equality of rights of the treaty powers. We shall also in the future continue our endeavors to arrive at an understanding about the necessary reforms in order to establish lasting peace on the Samoan Islands, in the interest of the foreign and native population."

A solemn recognition of the equality of the three treaty powers is found in the municipal convention of 1879 which was composed of the three Consuls and an additional representative from each nationality, and so carefully were the rights of each power preserved that no business could be transacted at any meeting of the municipal Board unless a representative of each power was present. Even after the deposition of Malietoa and the setting up of a pretended native government by the Germans, the German Minsiter of foreign affairs, as reported by a despatch from Mr. Pendleton, dated October 13th, 1887, professed to recognize that equality between the powers which the action of his governments authorized local representatives had done all thst was in their power to destroy. Mr. Pendleton quotes Count Bismarck as saying "That the German government desired to maintain the good estente between the powers in regard to Samoa upon the princi-

ples so well known to them all." And while at this time the German officials had assumed practical control of the Government of Samoa, ~~with the evident purpose of xxxxxxing~~ delaying ~~action by the United States until their plan should be accomplished~~, the Minister suggested "that there seemed to be no reason for haste just now, and that with new light on the status ~~as~~ it should then appear, all the governments would go forward in the same spirit which had actuated them heretofore."

And ~~apparently~~ it would almost seem with a view of distracting the attention of our government from the German operations in Samoa, on November 18th, 1887, Prince von Bismarck addressed to the German Minister a despatch to be communicated to the Department of State, commenting on the alleged "Anti-German attitude" of our Consul-General, and his predecessors. Even in this paper is reiterated the principle of equality notwithstanding the asserted "mercantile preponderance" of Germany, when it says:--"We have always maintained the principle of equality of rights of nations in Samoa, and never aspired to political advantages."

To this dispatch the Secretary of State in a comprehensive view of the whole subject on the 17th of January 1888 ~~last~~ refuted the charges made against our Consular officers and concluded with this emphatic repetition of the American position:--

"But, for the very reason that the native Government of Samoa is weak, it has seemed all the more clear to the United States that the control of the islands by any strong foreign power, or its representatives, would defeat the great object of securing native independence and autonomy, and the practical neutralization of the group. Under such control a native Government would necessarily cease to have more than a nominal exist-

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ence; the native element in the islands, deprived of voice and influence in the management of their affairs, would quickly succumb to the aggressive and exclusive tendencies of the foreign residents; and, under these circumstances, the islands would inevitably become a colony of the foreign power by which, or by whose representatives, the Government was actually administered."

To this direct no reply appears to have been ever received.

Since the popular interest awakened in the subject in this country and in Congress Prince Bismarck (Jan. 13) reiterated his assurances of due regard to the treaty rights of America and England with respect to Samoa, and subsequently (Feb. 1) informed our government that the German Consul had been instructed to withdraw his demand for temporary administration of the islands, such "demand not being in conformity to our (German) previous promises regarding the neutrality and independence of Samoa."

It was therefore upon the same basis of neutrality and autonomy for Samoa and equality of rights and influence for the treaty powers which underlies the entire negotiation, that the renewal of the conference at Berlin was agreed to. The diplomatic assurances from Berlin have been fair from beginning to end. If doubts are entertained as to their fulfilment they arise from the contract between previous promises and the progress of events at Apia, as disclosed by the official papers sent to Congress. On August 23rd, less than a month after the adjournment of the conference, without notice to this government, war was declared by Germany against Malietoa because of his inability on twenty-four hours notice, to pay a large indemnity for alleged thefts of fruit during four years and for the injury to a German

who had his nose broken in a brawl on the Emperor's birthday in March previous. At once upon the declaration of war Apia was filled with German sailors who were ostentatious in their disregard of the most ordinary personal and property rights of Americans and Englishmen. The German flag was raised over the government house of Samoa. Tamasese was brought to Apia by a German ship saluted, landed and installed as king by the German forces. A so-called government was set up under control of a clerk of the German Trading house as Premier, who, early in August, had circulated reports anticipating what did occur. Malietoa having surrendered himself to avoid blood shed was deported and for months the local German officials and naval officers controlled affairs through the nominal government of Tamasese, disregarding the rights of all other foreigners and levying taxes to a point at which the Samoans could no longer pay them and live. The chiefs were summoned under threats of war and forced to sign an acknowledgement of Tamasese at a fono held under the guns of the German fleet at which all discussion was forbidden and our Government was congratulated upon this result as carrying into effect ~~the~~ its suggestion for the election of a King. The office of the Premier was in the German Consulate and thence all Tamasese's orders were issued. Finally the municipal government was broken up.

This condition of affairs grew worse and worse until it was ended by the revolt of the Samoans under Mataafa the conquest of Tamasese's forces by him, and the awakening of interest in the United States when the whole subject was brought by the President to the attention of Congress.

For the first time the German Government seemed to understand that there was a limit to the violation by local officials of its promises to us, beyond which our government would

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not remain quiescent, ~~The recall of Pendees and the Consul was announced~~ and a renewal of the conference was proposed with new assurances of good intentions for the future.

Such was the situation when the approaching end of the term of President Cleveland naturally suggested a pause until the new administration could take up the question.

The position to which we should adhere has been laid down both in the long correspondence and in the attitude of Mr. Bayard in the conference of 1887. The justice of that position has been admitted by Germany and England. Recent events indicate that Prince Bismarck for the first time appreciates that the United States will submit to no less. He understands as every one does that Germany cannot go to war about Samoa, and in ~~such~~ such a war she would have an ~~indefensible~~ position upon the facts. Hence it ~~may be confidently hoped~~ greatly to be desired that these two great nations which ought to be not only at peace, but friendly, may now make a settlement of the vexed question which will conserve all the treaty rights of the United States and at the same time contain the fulfilment of our implied promises to Samoa.

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report of G. H. Bates
or Department Memorandum?

1888-1892?
or
1894-1900?

SOME ASPECTS OF THE SAMOAN QUESTION.

The recent discussion of Samoan affairs cannot fail to benefit the American people, whatever its result. Prior to our Civil War the natural prowess of our people found its only outlet in an occasional achievment of some patriotic naval officer who, no matter in what quarter of the world, either trained his guns or fired them in the expression of a sentiment of devotion to the flag or in defense of some American citizen who chanced to be the victim of oppression. Such occasional demonstrations, reported by the slow process of transmitting news from foreign parts, never failed to rouse the blood of the American people and excite their patriotism. With all the accomplished statesmanship of Marcy probably the incident of his career which will live longest in the memory of his countrymen, is the release of Martin Koszta from an Austrian dungeon. And the naval commander, who, having no sub-marine cable to connect him with the Departments, as a boy is tied to his mother's apron string, bombarded Greytown, because rights of American citizens residing there were infringed by the existence of a turbulent and unsatisfactory local government, was looked upon as one who realized to the fullest extent his duties to his County and his flag. It is not surprising that the present generation after the long strain of the Civil War should have been passed through a period of reaction, in which our naval power reached, it may be hoped, the lowest point, and when the popular idea of the blessings of peace and the horrors of war was somewhat exaggerated.

Samoa is very far away and hitherto little known, but in spite of these conditions the discussion has disclosed the

fact that there still remains in the American people, regardless of party lines, the instinct of self-assertion and of adherence to honorable engagements whether express or implied, always characteristic of our people. The settlement of the Pacific Coast and of the great interior regions of our country ~~and of the Pacific Coast~~ has been so rapid that it requires a mental effort, even now, to realize that in place of a confederation of States lying mainly between the Mississippi River and the Atlantic Ocean, with a narrow strip upon the Pacific Coast, we have now a great empire stretching from ocean to ocean, in which, between the Missouri River and California, great and populous States will soon replace vast unsettled territories. In the near future the interests of the Pacific Coast will be equal to those of the Atlantic and it is possibly fortunate that the Samoan difficulty has arisen, to awaken the minds of our Eastern people to the true extent of our interest in the Pacific.

Owing to the active operations of European powers in absorbing Polynesian groups, there remain but three principal groups of islands respecting which this Government may concern itself actively without grave complications. These are Hawaii, Samoa and Tonga, and with the Government of each of these groups, the United States has now entered into treaty stipulations. A glance at the map will show that all these island groups are situated in Longitude, East of the extreme North Western possessions of the United States, and all of them are East of the 180th Meridian, and therefore within the Western Hemisphere. Taking the two latter groups together the distance from the Equator varies little from that of Hawaii, and between Hawaii and Samoa in the line of Longitude, there are no islands of importance.

The position of Samoa, with respect to lower Mexico and the Isthmian coast, is relatively the same as that of Hawaii

with respect to the California coast. ~~From the Isthmus~~, Hawaii and Samoa are equally distant from the Isthmus, Samoa being in the direct line of trade to Australia, and the course from the Isthmus to China lying ~~equally~~ equally distant between the two groups.

The necessity for our insisting upon and even guaranteeing the neutrality of the Isthmus of Panama with respect to any canals being constructed is a conceded point in American diplomacy. It has been frequently asserted that the importance of the Sandwich Islands as a strategic point with reference to the ~~future~~ commerce of the Pacific, is of equal importance to us with that of the Isthmus of Panama, and brings these islands equally within the range of an American commercial policy. If this be so, certainly the neutrality of Samoa of no greater distance from the Isthmus and lying more immediately in the track of our future commerce, is of greater importance than even that of Hawaii.

The treaty relations of Samoa with the Great Powers may be briefly stated. In 1872 Commander Meade U. S. N. entered into an agreement with Mauga the great chief of Tutuila under which there was granted to this Government the exclusive privilege of a naval station for the use and convenience of the vessels of the United States Government, and it was expressly stipulated that a like privilege should not be granted to any other foreign power or potentate. The consideration of this grant was the friendship and protection of the great Government of the United States of America. In January 1878 a treaty was entered into between the Governments of the United States and Samoa, in which the right of the United States to the use of the port of Pago - Pago was solemnly affirmed. And in another article the Government of the United States undertook to employ its good offices for the purpose of adjusting any differences which might thereafter 3

arise between the Samoan Government and any other Government.

The German treaty with Samoa was made in January 1879, and it secured to the German Government the right to a coaling station in the harbor of Saluafata. The British treaty with Samoa was made in August 1879 authorizing the establishment of a naval station and coaling depot on the shores of a Samoan harbor to be thereafter designated, excluding expressly the harbors of Apia and Saluafata and that part of the harbor of Pago-Pago to be selected by the United States as a station under the provisions of its treaty. On September 2nd, 1879 what was known as the Municipal Convention for the government of the town and district of Apia was entered into between the Governments of Great Britain and Samoa and to this the representatives of the German Government became parties absolutely, and the representatives of the United States provisionally, subject to the approval of their Government. This convention under which that part of Samoa inhabited by foreigners was actually governed, although not submitted to the Senate, and therefore not ~~becoming~~ a treaty, was, in fact, acquiesced in by our Government which joined in its execution as a convenient medium of local administration.

As the result of these treaty relations, the representatives of the United States, Great Britain and Germany have in fact from 1879 to the disruption of the Municipal Government by Germany, carried on a tolerably efficient Municipal Government in the district of Apia and they have also from time to time interfered either to make or preserve the peace in the various native wars. Whether right or wrong it is too late to discuss the question of intervention in Samoan affairs; what must now be

decided is, whether after an active and continued intervention of more than ten years we shall make ourselves felt or shall retire from the field.

There has been much discussion whether intervention in Samoan affairs would be within the limits of the Monroe doctrine. It must be remembered that when the Monroe doctrine found its expression in the famous message of 1823, the only points at which the encroachments of the European Nations could cause any apprehension, were in Central and South America and in the West India Islands. Any sensible attempt to limit this doctrine and apply it at the present time must necessarily seek to ascertain the underlying principle and not the mere terms in which it was couched. The key-note of that doctrine was not a philanthropic desire to preserve the Central and South American Republics from European interference, but it was to prevent any such extension of the European system within this Hemisphere as might be dangerous to our peace and safety. In plain language self-preservation and not philanthrophy was the end which Mr. Monroe had in mind. It would be absurd to apply this doctrine in any technical sense, but even if a fair interpretation of it would exclude from its operation such a group of islands as Samoa, it is only necessary to remember that Mr. Monroe in his day could not possibly have conceived that the time would come when Hawaii and Samoa would be more closely connected with our national interests than any one of the South American Republics can ever become.

The Monroe doctrine was a rule of expression and not of exclusion. It was a statement by a far-seeing and patriotic man that certain things then apprehended would not be submitted to. Doubtless it could never have entered into his mind to conceive that his expression at that time would be tortured

into a limitation of the powers of this Government to forbid in 1889 such interference by European nations in the affairs of other countries as would be far more detrimental to the peace and safety of the United States than those which were apprehended in 1823, and against which the declaration of Monroe was particularly aimed. But Mr. Monroe builded wiser than he knew. It was not against an extension of the European system to the American continent that he protested, but to any portion of this Hemisphere, and the uniform course of our diplomacy negatives the idea that the application of the Monroe doctrine is merely Continental. Dr. Wharton, during the last few years, the learned legal adviser of the State Department, in his excellent Digest of International Law, classifies an action respecting Hawaii and Samoa among "special applications" of this doctrine. If, however, by any technicality whether of reasoning or expression the Monroe doctrine is to be limited to exclude Samoa, we may trust the genius of our people to find some new doctrine which legitimately succeeding that of 1823 will adjust itself to our changed condition and protect our national interests from the grasping tendencies of Great Britain and Germany which not content with desiring so m uch as they can seize of "the earth" have actually entered into a solemn covenant to divide and make partition of the sea. ÷

The question, what interest we have in Samoa is not a difficult one to answer. In the first place, we are committed to the Samoans, to see to it that no final disposition of their

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÷ Treaty between Great Britain and Germany April 6, 1886.

Government shall be made without our assent. The diplomatic correspondence on this subject between our Government and the govts of Great Britain and Germany and the conduct of our official representatives in Samoa, are susceptible of no other interpretation than that, whether rightly or wrongly, we have assumed the position that no adjustment of the internal affairs of Samoa should be made except by the consent of our Government as one of the three treaty powers. From this position it is impossible for us to retreat without dishonor.

Again intervention is necessary for the protection of our own citizens residing in that country the persons and the property of ~~in their persons and in their property.~~ It has been abundantly demonstrated that these are not safe with Germany dominating a so-called Samoan Government.

But above and beyond the mere property interests of individual Americans is the greater National interest for the preservation of the neutrality of this group. We require a naval and coaling station in that part of the Pacific. No better illustration could be had of this than the fact that having in 1887 exhausted the supply of coal which we sent to the harbor of Pago-Pago during President Grant's administration, our single naval vessel at Apia was required to send 2500 miles to Sydney for Coal, and when events recently required our Government to send three or four ~~naval~~ war vessels to Samoa, it was necessary to send also a naval vessel as a store-ship, with coal as a deck load, ~~upon a naval vessel thus used solely as a freight ship.~~

But the crowning interest of the United States in preserving the neutrality of Samoa, grows out of its commanding possition in the Pacific. This has been already stated, but can be better appreciated by observing it on a globe or map than from any written statement. In a comparatively recent diplomatic paper Hawaii was said to be the key of maritime dominion in the Pacific. This was true, ~~this was~~, under the former conditions of Pacific navigation, the direction of the trade winds making Honolulu a necessary point of call for all vessels bound to and from our Western coast. True, to a less extent, it still is, even under the ever changing conditions of trans-Pacific commerce. But even now, of the two great steam-ship lines sailing from San Francisco, one finds its most direct course lying between the Samoan Islands of ~~New~~ Tolu and Tutuila. And it is well understood in California that, were there facilities for landing freight on a pier at Apia, the trade of that Port would already be sufficient to tempt the Oceanic Steam Ship Company to make it a point of call.

Under all existing disadvantages in 1886, there were landed at Apia over $200,000 of American goods shipped by sailing vessels from San Francisco. Even ~~durin ghr~~ during the nine weeks of my stay in that vicinity I saw ~~them send~~ three sailing ships unload their cargoes, consigned to American and English merchants. The position of Apia makes it a distributing point for a large portion of Polynesia whose islands are continually increasing in that demand for manufactured goods which keeps pace with the civilization which continually enlarges the circle of human wants.

It cannot be doubted that these islands with Australia will open up markets more than sufficient to absorb our surplus production which a more enlightened economic policy will ere long teach our producers to distribute to the world rather than to store it up in warehouses, or ~~control~~ contract it by trusts and other devices while waiting for the alternate ebb and flow of the domestic demand.

The construction of an Isthmian Canal is now a mere matter of time and when the world's commerce floats through such a channel, ~~realizing the dream of Columbus~~, it needs no prophet to assure us that Hawaii will resign to Samoa the key of the maritime dominion of the Pacific. Surely no argument is needed to ~~know~~ show what will then be the value of a healthy, autonomous nationality planted almost in the centre of the Western Ocean, where the commerce which we yet hope to see carried on under our flag as formerly ~~there before~~, may find ports of supply and repair in peace and of refuge in war. Can it be that American foresight is so lost and American prowess so dead that having acquired the right to insist upon Samoan neutrality we should hesitate to enforce it promptly and at any reasonable hazard. Indeed above and beyond all mere material considerations there is

involved our national self-respect. As before stated, no possible distinction can be drawn between our relation to Hawaii and Samoa except that the latter has become the more important in view of the certainty of an Isthmian canal. We have unqualifiedly committed ourselves to the maintenance, by force if necessary, of the independence of Hawaii. ÷ It has been repeatedly asserted that its position makes it a part of the American system. The uniform tone of our diplomatic utterances on this subject renders it needless to do more than to refer to a few of the late expressions of our Government.

Considerations already stated require that the same policy should equally apply to Samoa. Mr. Frelinghuysen on December 8, 1883 refused to interfere against the annexation of the New Hebrides, then agitated in Australia, because they were allied rather to Australia than Polynesia. But he added that the circumstances were different with Hawaii and Samoa which had "so asserted and maintained a separate national life as to entitle them to entrance, by treaty stipulations and establishing forms of competent self-Government into the family of nations."

The examination of the diplomatic history of the Samoan question is beyond the limits of this paper, but it may be confidently affirmed that from the day of our treaty until now we have assumed the right to insist upon Samoan autonomy. Nay, more, we have by official utterances and action, led Samoa to rely upon our assurances--we have tied the hands of the King whom we recognized and led him to refraim from the easy suppression of rebellion by the promise of endeavors "to secure permanent native government for Samoa,"--we have stood by and watched the rebellion grow, under the inaction which we counselled and morally

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÷ Mr. Legare June 13, 1843. Pres't. Fillmore's Annual Message 1851
Mr. Fish March 25, 1873. Mr. Blaine Nov. 19, 1881, Dec. 1, 1881.

compelled, until this patient King was kidnapped and torn from his people and his followers left to be slaughtered with the active co-operation of one of the powers with which we still keep up the pretence of negotiation about the autonomy of Samoa.
Under these circumstances is it too much to assert that our national self-respect is involved in making and enforcing a demand that this people who have relied upon us, be put back to the condition in which they were when we began to mislead them.

Equally must we insist that since Germany and Great Britain have constantly assented to Samoan independence as the base of all the negotiations and upon that assent we have interfered with the native struggle, the same self-respect should compel us to hold them to their assurances even were our national interest less vital than it is.

The ~~treacherous~~ course pursued by Germany, the insults to our citizens and ou flag and more than all to our government itself in wilfully deceiving us with assurances which were belied by simultaneous inconsistent action certainly should forbid further efforts in the direction of co-operative action until disclaimers are accompanied with "fruits meet for repentance."

The tearing down and treading under foot of the emblem of our nationality, in a private house, by German sailors, may not be technically a casus belli, but it might be considered, when encouraged by local officials, as sufficient reason for intermitting the ordinary diplomatic assurances of ~~an~~ our distinguished consideration.

The details of these matters cannot now be touched upon but if the conclusions be challenged the facts can be readily established, from the documentary history of the past three years.

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were to

But if we should intervene, how? The only consistent policy for our Govt was to We should require the restoration of the statu s quo, existing when e were in conference with Great Britain and Germany. This necessarily would involve the return of Maleitoa and the opportunity for the Samoans to choose their King untrammeled by the local foreigners, whether officials or others. Then it was imperative to We should require Germany to desist from assuming that preponderating control which we refused to assent to giving her when the confidence was broken off.

Above all we should make our demands known in a tone which even the German Chancellor could not misunderstand. It was requisite to There is no danger of war. There was scarcely to be apprehended any With Boulangism, the synonym for revenge upon Germany--rampant in France, with Russia watching her opportunity with the North German Lloyds, to say nothing of other commerce, a ready prey for our cruisers, Germany cannot could hardly be thought likely to go to war with us over Samoa.

But were it otherwise, even war, terrible as it is, is better than dishonour which in a nation should crimson the cheek of every citizen as readily as the blow of a gauntlet did that of the knight of old.

-There are ample precedents for armed interference by the Navy to prevent such indignities to their persons and injury to their property as Americans in Samoa have been subjected to.

The bombardment of Greytown by Capt. Ingraham was for no other reason than that our citizens and others associated with them in business were subjected to gross indignities and injuries by local authorities who were British, but claimed to act under authority of a native king, just as the Germans in Samoa tried to cover themselves

with the scanty mantle of Tamasese.

The Commander of the Cyane bombarded the town to punish the local authorities, and he returned home to receive the approval of his Government and the plaudits of his countrymen. Similar action was directed by President Monroe in 1817 in the case of Amelia Islands. And General Jackson, in his Seventh Annual Message, admirably stated the principle upon which such intervention rests, with the citation of which we may conclude.

"Unfortunately many of the nations of this hemisphere are still so tortured by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful purposes. Much time elapses before a Government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussion of past injuries is fairly begun, fresh troubles arise; but too frequently new injuries are added to the old to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it or with its successor if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them."

by anything of Fra Angelico's, while in plastic qualities — in the modeling of the heads and flesh — they are far beyond the suggestions of any of his contemporaries or predecessors.

Orcagna, as we have seen, designed the mosaics for the façade of the duomo of Orvieto, but they have long been replaced by more modern work, and even the designs have perished, for I could find no trace of them in the archives of the cathedral.

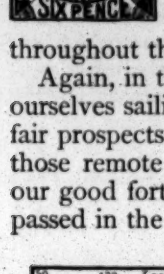
W. J. Stillman.

NOTES BY TIMOTHY COLE, ENGRAVER.

ORCAGNA'S fresco of the "Last Judgment," from which the detail of the kneeling figure of the Virgin is taken, is represented above and on the sides of the window of the Strozzi Chapel in the north transept of the Church of Santa Maria Novella, Florence. Above is seen the Son of Man in glory, half of his figure visible above the clouds, that portion surrounded by light almond or heart-aureole, from which radiate sharper beams. His head is crowned with the celestial diadem, and encircled by a golden nimbus in which appears the figure of the Cross. His aspect is full of majesty and grave almost to sadness, as with his left hand he condemns the wicked, turning softly from them with a glance and action befitting the words "Depart from me." His right hand is less consciously extended in blessing towards the good. The fresco thence extends downward on each side of the window, terminating at the dado, and is symmetrical in its distribution, side answering to side. Issuing from the clouds on each side below Christ are his attendant angels sounding the trumpet of the dead and exhibiting the emblems of the crucifixion — three on each side. Below these are seated the apostles upon the clouds, six on each side in two rows of three each: preceding the group on the left of Christ is John the Baptist, kneeling in adoration; and in like attitude preceding the group on the right of Christ is the Virgin,— the subject of the engraving,— her countenance full of veneration and as though inspired. Underneath these groups, and separated by the thick bright cloud on which the apostles sit, is shown the "Resurrection," which occupies the lower portion of the fresco. The condemned represent the rich and powerful wicked ones of the earth, and are made up of kings and emperors, popes and cardinals, princes and princesses, arch heretics, false prophets, and the like. Among the blessed on the right hand of Christ are kings and princes, popes and cardinals, martyrs and saints, and the poor of this world, rich in faith, among whom the head of Dante in profile appears unmistakable, his hands together as in prayer, looking up towards the Virgin. How beautiful is the action of her hands, and what an unconscious expression of purity there is about her countenance! The peculiar adjustment of the veil over the chin and forehead and about the neck seems to be a favorite fashion with Orcagna. Fra Angelico sometimes uses the same costume. The background to the Virgin is a deep blue.

THE detail of the group of women is from Orcagna's fresco of "Paradise," which adorns the entire western wall of the same chapel. It measures about twenty-six feet wide by about thirty-three feet high, not including the frescoed border or frame which runs around it. The top is arched and terminates at the ceiling of the chapel. It is disposed into three divisions, running from top to bottom, which are filled in the following manner: In the upper portion of the central division (which measures seven and a half feet wide) are seated Christ and the Virgin Mary, side by side — the Virgin upon the right hand of Christ — upon a magnificent throne. They are colossal in size, being about three times larger than the other figures above them. This occupies about fifteen feet down of the middle division. Underneath this and down for about ten feet is a clear space in the center of which are two angels upon the clouds. One is playing upon a viol and the other is in an attitude of adoration looking up towards the throne. Below this is the company of the redeemed men and women in the dress of the times — from which the detail is taken. The divisions on each side of this central one are filled from top to bottom with the saints and angels of heaven, twelve rows each and seven in a row, an angel and a saint alternately, but the two lower rows on each side are of female saints only. Most of them are distinguishable by the emblems which they bear. In front of the lower row of the right-hand division an angel is seen leading a woman to join the central group of the redeemed, who seem to be about forming into a stately dance. These figures measure about five and a half feet high. The figures become larger as they near the top, and approach the colossal forms of Christ and the Virgin. The coloring is a delightful play of cool gray tones, enlivened here and there with sweet clear bits, the whole delicate and unobtrusive and yet gay in its tints, with shimmerings of golden halos around the heads of the saints, which are engraved in rays radiating from the center. A finer wall-decoration could not well be conceived. Wonderful and magnificent as this is, it is not the thing that would appeal to the ordinary tourist, who, unfortunately, has no time to lose, and gets not a glimmer of its beauty. One must come prepared to see it in a calm state of mind and ready to devote at least two hours to it. The morning light is the best, for then the sun shines upon the opposite wall and reflects a pleasant glow over all. The attitudes of the figures are graceful; they have a noble bearing and a quiet dignity, and their faces are sweet and refined, expressing in some instances a glow of subdued rapture.

SAMOA: THE ISLES OF THE NAVIGATORS.

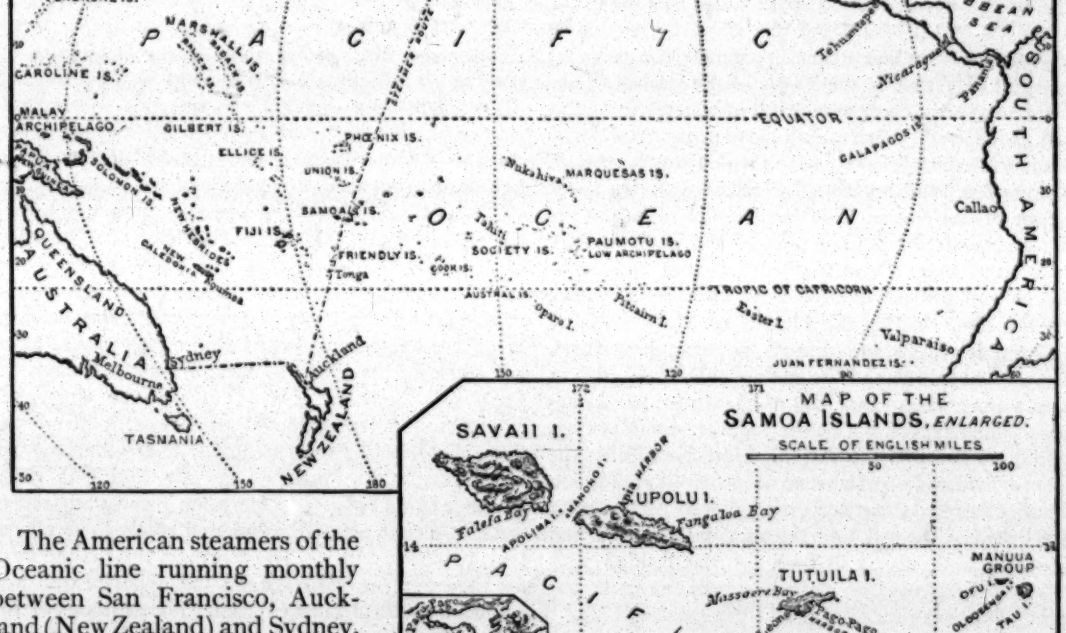


CIRCUMSTANCES which were entirely unexpected compelled us to visit Polynesia in the early part of 1886, and the greater portion of that year was passed in visiting the various groups of islands scattered throughout the Pacific.

Again, in the beginning of 1887, we found ourselves sailing away to the South seas, with fair prospects of a prolonged sojourn among those remote and interesting islands. It was our good fortune that much of the time was passed in the Samoan group.

The group is made up of three large islands, Savaii, Upolu, and Tutuila, and of five others of inferior size, Manuua, Oloosenga, Ofu, Manono, Apolima, making a total area of about three thousand square miles, and containing at the present date not over forty thousand inhabitants, although at one time it is said to have been peopled by over fifty thousand souls.

The position of these islands has been known since 1722, when the Dutch navigator Roggewein visited the Pacific with his three ships; but his explorations in this particular group were of little importance. Nothing was definitely known of them until the renowned French navigators Bougainville and La Pérouse visited them, the former in 1768 and the latter in 1787. It was Bougainville who, observing the skill of the natives in paddling canoes, aptly gave to the group the name of the "Isles of the Navigators."



The American steamers of the Oceanic line running monthly between San Francisco, Auckland (New Zealand) and Sydney, Australia, call en route at Honolulu in the Sandwich Islands, situated a little over two thousand miles in a south-westerly direction from California. Leaving Honolulu, the steamers continue in much the same course for a distance of twenty-two hundred miles before reaching the Samoan group of islands, which are in the direct line of the steamer's route.

APIA, THE CAPITAL OF SAMOA.

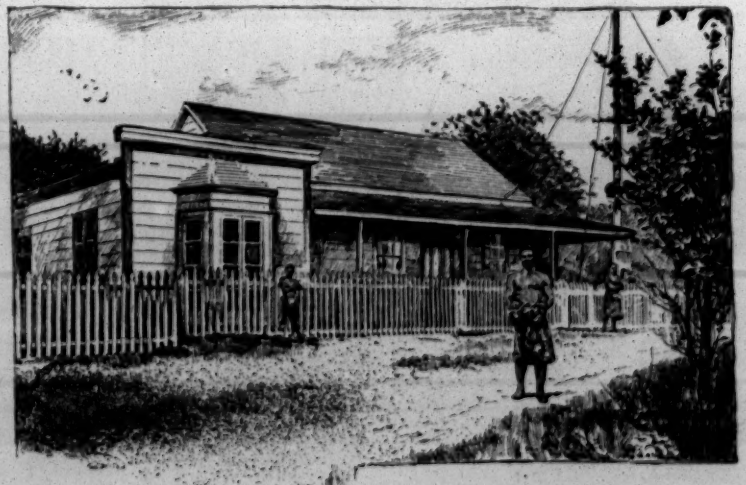
During La Pérouse's visit to Samoa an unfortunate occurrence took place on board the ship *Astrolabe*. While some natives were inspecting the vessel an accidental discharge of firearms caused the death of a native. The savages were so provoked that a few days after the accident they attacked a boat-load of sailors, among whom were the Comte de Langle and M. de Lamanon, a naturalist who accompanied the expedition, and massacred almost the whole crew. On account of this ferocious act the natives were supposed to be generally cruel and warlike, and they were accordingly feared and avoided until about 1830, when the London Missionary Society established a mission among them, and found them to be a gentle and peaceable race, with few if any atrocious acts of violence such as were characteristic of cannibalistic Fiji. This mission continues in operation up to this time, and has accomplished much good for the people.

The steamers of the Oceanic line pass through the group but do not stop, merely "slowing down" off the western end of the island of Tutuila sufficiently to transfer the European and American mails to the small cutter which is used for the purpose of transporting to Apia the monthly mail matter.

Savaii, the westernmost and largest of the group, is some forty miles long by twenty in width, and is unmistakably of volcanic origin. It is ridged with lofty, cloud-encircled mountains, which are covered with a mantle of dense rich tropical foliage, giving to them an evenness of outline and a softness which delight the eye of the new-comer.

Ten miles to the eastward of Savaii is the beautiful island of Upolu, perhaps the most important of the group, having an area of five hundred and sixty square miles, diversified by mountain peaks three thousand feet high, volcanic caverns of symmetrical shapes, plateaus of remarkable fertility, and many valleys of exceeding beauty. The volcanic fires having been extinct perhaps for many centuries, the three craters on Upolu have been curiously changed into lakes of great depth and beauty, unknown except to those bold enough and strong enough to climb the rugged mountain trails through a trackless growth of tropical foliage.

The seat of government, Apia, a town of fifteen hundred inhabitants, is situated about the bay of the same name, on the northwestern side of Upolu. Here the various ruling monarchs have from time immemorial lived, ruled, and held their court. The bay is an incomplete semicircle in form, extending from Matautu point on the east to Mulunuu, a low point of land stretching away to the westward over a distance of two miles. The ever busy coral insects have thrown up a barrier reef, ex-



U. S. CONSULATE AT APIA.

SAMOAN SISTERS OF CHARITY.

tending from point to point, which receives and dissipates the huge swells of the Pacific, whereby under ordinary conditions of the weather protection is secured to ships at anchor in the bay. During certain seasons of the year, however, when hurricanes prevail, the anchorage becomes unsafe.

In Apia the California redwood cottages of the foreigners built along the thoroughfares, which extend parallel with the outlines of the beach from Matautu to Mulunuu, are surrounded with flowers and tropical plants. One of the old landmarks by which ships steer their course into the harbor is the Catholic mission church, situated near the center of the town, built entirely of coral blocks cut from reefs near by, and inclosed within a wall of the same material. Half a mile distant, on a hill in the rear of the church, stand a college and a chapel belonging to the same Church, in which native men are educated for missionary purposes. The mission also possesses a convent school for the education and training of Samoan girls. Some of the native women renounce the world, take the same vows and assume the same garb as their white sisters, and devote their lives to acts of charity and mercy.

Continuing forty miles to the eastward, we come to Tutuila, a mountainous island nearly a hundred miles in circumference and containing eight thousand inhabitants. The interior of Tutuila is so rugged and the jungle is so dense that it is seldom visited by the natives. There are comparatively few inland villages, most of the inhabitants living in proximity to the sea. On the south side of Tutuila is the entrance to the magnificent harbor of Pago-Pago. The natural beauty and grandeur of this bay are extensively known throughout all Polynesia. Being land-locked, and bounded by mountains on one side and a perpendicular wall of solid rock fifteen hundred feet in height on another, it affords the safest refuge to ships of all sizes during the hurricane season. It was

THE STREET OF APIA.

conceded to the United States by King Malietoa in the treaty of 1872, for the purpose of establishing and maintaining a coaling station for ships of war, and for a number of years past the United States naval vessels cruising in the South seas have drawn their supply of coal from this place.

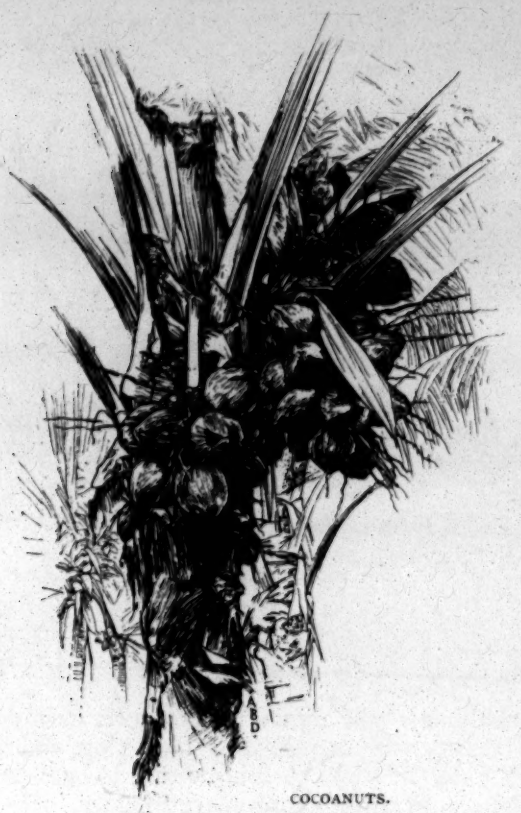
NATIVE CHURCH BUILT OF CORAL.

Sixty miles to the eastward of Tutuila we find what is generally known as the Manuua group, which comprises Oloosenga, Manuua, and Ofu. These are as much a part of Samoa as are any of the other islands mentioned; but it is a curious fact that the inhabitants of these three islands live apart from the others, have a king of their own, make laws to suit themselves, take no hand in the political differences of the others, and will not submit to any interference by them.

It is from this group that the royal family of Samoa is supposed to have sprung. The inhabitants still retain many pagan customs and superstitions regarding their king, whom they do not allow to drink water, to bathe in the sea, or to walk from place to place.

Three miles off the westward end of Upolu are situated the two small islands of Manono and Apolima. The latter is an extinct volcano projecting out of the sea, one side of which has tumbled into the water and forms an entrance into the interior.

PAGO-PAGO BAY FROM THE U. S. COALING STATION.



COCOANUTS.

The people of Manono have long held the reputation of being the most proficient seamen, while those of Apolima have the distinction of being the bravest and finest warriors among the islanders.

The islands of Tutuila, Upolu, and Savaii bear a striking resemblance to one another. The mountain peaks are clothed in perpetual green, and all are surrounded by barrier reefs of coral, over which the breakers, never ceasing, dash into spray. The rivers are simply tortuous mountain streams, which at times of heavy rainfall become turbulent torrents, frequently uprooting and carrying away large forest trees. As they rush down to the sea, many cascades, falls, and cataracts of impressive beauty and grandeur are formed; one of the latter plunges over a precipice three hundred feet in height.

The cocoanut, bread-fruit, taro, and banana form the mainstay and daily food of the people. In the economy of a Samoan household nothing enters so largely or assumes such conspicuous importance as the cocoanut. The Samoan chiefs affirm that it was sent direct from heaven. Nothing is more acceptable to a tongue parched with tropical heat than its cool, palatable, and refreshing milk, while its soft, tender meat is fit for a meal. Although these trees grow naturally and abundantly, and to a perfection perhaps unknown in any other part of the world, still, in order that the demand shall never equal the supply, a number of nuts are planted each year. Of later years cocoanuts have been largely cultivated for commercial purposes.

The bread-fruit tree is distributed throughout Polynesia and furnishes food for thousands of inhabitants of the various islands. It is a

MATAUTU, EASTERN END OF APIA.

BREAD-FRUIT.

handsome tree, with large dark-green dentated leaves. The fruit, when ripe, measures about six inches in diameter and is of a bright golden yellow, with a rough and pitted surface. When roasted — the usual way of cooking it — it is not a bad substitute for bread, and its taste and merits soon become appreciated by strangers. Next in importance after bread-fruit is taro, or *arum*, which grows in thirty-odd varieties. This is a tuber, oblong in shape, that frequently grows to be fifteen inches long and six in diameter. Its large-ribbed, heart-shaped, heavy leaves, growing from the top of the root, are always conspicuous in Pacific island landscapes.

Although the Samoans now have a written language, the old chiefs, who possess fertile imaginations, rich in resource and abundant in material, delight in recounting the wonderful deeds of valor of their ancestral chiefs and heroes, all of which traditions have been passed to the chief when a boy by word of mouth from his fathers, and he in turn passes them in the same way to his descendants.

Like all other races of eastern Polynesia, this people originally sprung from the Malay Archipelago. Those who have studied Polynesian migrations, traditions, customs, and similarities do not for a moment doubt this fact.

Quatrefages, in his work on "The Polynesians and their Migrations," illustrates satisfactorily the manner in which the Polynesians reached the various groups of islands in the Southern Pacific; and it will only be necessary for one to investigate New Zealand, Tonga, Tahiti, the Marquesas, the Sandwich Islands, and Samoa to find convincing proofs in both the physical and philological characteristics of their inhabitants that clearly indicate one com-

A COCOANUT AVENUE.

mon origin. The changes in features, form, and color, as well as in customs, traditions, and language, are but slight, and are the natural result of long separation and various modifying influences introduced from different directions.

In color the Samoans are the lightest, in physique the most perfect and imposing as well as the most graceful. In disposition they are the most gentle, and in manners the most attractive, while mentally and morally they are much the superior of their neighbors. Their color varies through shades ranging from a dark brown to a light copper, and occasionally to a shade of olive which is exceedingly pretty. Their hair is straight, coarse, and black, although one daily meets a number of bleached red-heads, artificially produced by the application of coral lime, which is used to stiffen the hair so that it will the more easily stand erect — a style greatly admired. The hair is generally worn short, combed upward towards the crown, and receives frequent and liberal applications of cocoanut oil. Varieties of adornment prevail according to the fancy of the individual; these usually express themselves in the use of flowers and leaves, which are twined into wreaths and garlands and worn with becoming effect.

Their language, containing thirteen letters, is, like all the Polynesian dialects, soft and liquid, but not musical, although by some it has been called the Italian of the Pacific. A superficial knowledge of it, answering for ordinary requirements, may be easily attained; but as it is virtually a language of idioms, it would take years of study to master a sufficient command of it for anything approaching oratory.

Previous to the arrival of the missionaries in the year 1830, these people were supposed to be destitute of religious belief, and by some were called the "godless Samoans." This idea was, however, found to be erroneous, and it was discovered that they possessed a religious belief peculiar to themselves. At the time of his birth each individual Samoan was dedicated to some imaginary god, who kept constant watch over his daily actions and guided his destiny. This god was supposed to appear in some visible incarnation, which to that individual remained forever afterwards an object of veneration. They believed in a soul, or disembodied spirit, which they called Anganga, meaning a going and coming. This to them was represented in the functions of sleeping and waking. When sleep overtook one they supposed his soul had been called away to wander with other spirits in the lower regions, the location of which they referred to as being under the sea; and when the Anganga returned, awakening was the result. They possessed also a system of mythology of their own, in which everything relative to themselves was intimately connected; and by this means they were able to explain, to their own perfect satisfaction, the origin and cause of every obscure phenomenon.

Notwithstanding the influences of Christianity at the present time, the greater number of Samoans of to-day live under the powerful influence and constant dread of some of their old deities. This induces them to perform strange acts of heathenism.

Hospitality is a part of the Samoan religion, politeness one of their chief characteristics, and a dishonest act the exception. Food and shelter are vouchsafed to every one entering their homes or villages, and the stranger has but to consult his own wishes when he is ready to depart. Attached to every village is a *Fale-tale*, or guest-house, set apart for the reception, lodging, and entertainment of visitors. Generally this is situated in the middle of the village, and is also used as a council-house on occasions when the chief and the people assemble to discuss subjects of importance. Foreigners and visitors from other villages are at once conducted to this house set apart for their occupation, a journey of considerable distance often being made especially to meet them, when they are received by the chief of the town and the maid whose duty it is to look after the welfare of

the guests. During the preliminary conversation, in which the compliments of the day are exchanged with a lavish expenditure of personal flattery, the kava-bowl is produced, and while the free interchange of compliments continues, the bewitching nut-brown maid, with the assistance of her dusky attendants, begins to masticate the seductive root. In the meantime the villagers, being advised of the arrival of the visitors, have assembled in another part of the village, collected articles of food, and begun to sing and march in procession towards the *Fale-tale*. Boys and girls, young and old, making a festive display, their persons anointed with cocoanut oil and arrayed in scanty toilets of leaves and flowers, join in demonstration of songs of praise and welcome. The music of their well-attuned voices, first heard faintly in the distance and increasing in sweetness and volume as they approach nearer and nearer, produces a charming effect, the impression of which is long retained by strangers. In the meantime the guests, who have remained seated and silent, as if unconscious of what is going on, preserve a wonderful solemnity of countenance as each donor in turn modestly places his offering at the feet of the most honored one, with salutations inimitable in gracefulness. On such occasions food, consisting of fruits, fish, and sucking-pigs, is sometimes given in sufficient quantities to sustain a visiting party for days and weeks.

No occasion of ceremony or importance takes place without the use of kava, a root of the pepper family, and all exchanges of sociability are conducted under its influence. The concoction of the seductive beverage made from this root is attended with so many ceremonious observances and acclamations of approval that an account of the customs of these people would be incomplete without reference to the manner in which the drink is prepared.

A wooden bowl, a cocoanut cup, and a strainer are the implements used in making the brew. That personage of the chief social importance in Samoa, "the maid of the village," is invariably called upon to brew the beverage, which ceremony, with her attendants, she conducts with becoming dignity. After carefully washing out her mouth in the presence of all assembled, she seats herself upon the matted floor with the bowl in front of her, and with resigned manner and preoccupied countenance begins to masticate the bits of root handed her by the attendants. Piece after piece is chewed until the mouth is full and the cheeks bulging, when the mass is ejected into the palm of her hand and with a graceful swing deposited in the bowl. This operation is repeated until the proper quantity of the root is secured. Then her hands are washed scrupulously clean, and an attendant having poured the required amount of water into the bowl, the maid proceeds with the compounding. With a graceful rolling and twisting movement of the hands she mixes all the undissolved portions of the root in the "fou," or strainer, which, after wringing, is shaken out, and the straining repeated until the brew is finished.

KAVA-BOWL.

A vigorous clapping of hands three times announces that it is ready to be served, whereupon the highest chief, or toast-master, in a loud, monotonous tone, exclaims: "Ah, here is kava! Let it be served." Then one of the attendants produces the cup and presents it at the bowl to be filled by the maid, which she does by plunging the strainer in the liquid and afterwards squeezing it over the cup. She will then, says a writer on Samoan customs, face about, and with the cup held delicately by the outer rim, level with her dimpled chin, and with her arm raised, stand in the most charming attitude of expectation, awaiting the crier's instructions as to whom she is to take the cup. The toast-master, having decided who is to be honored by taking the first cup, calls out his name with a loud, sing-song voice. The louder and more prolonged the name is pronounced the greater the compliment. The maid bows with dignity and presents the cup to the honored one with her most irresistible grace of manner, then stands with a becoming air of simplicity awaiting the command of the person whom she has just favored, who either returns the cup to her with a gracious acknowledgment, or with dexterity spins it along the floor-mats towards the bowl, the perfection of which practice is to cause the cup to stop immediately in front of the bowl. The

THE SIVA DANCE.

accuracy with which this feat is sometimes accomplished is surprising.

The cup is again filled, and in the same manner the Samoan nectar is presented to the person next in rank, until all the chiefs have been served. Kava is tabooed to women, so they never partake of it except upon occasions of very great ceremony, and then only to touch it to their lips. The effect of kava is slightly exhilarating to the mental faculties, and under its influence the imagination becomes active and poetical, while a happy feeling of indifference to surroundings is experienced. It never intoxicates, but when consumed in excessive quantities it has a paralytic effect on the lower extremities, which is sometimes sufficiently pronounced to prevent the individual from standing erect and walking.

The Samoans are a joyous, fun-loving people, and under the slightest pretext for an excuse they gladly indulge their buoyant natures in singing and dancing. The latter is a pleasure largely indulged in by all ages and classes. Among the young people a number have reputations for the grace of movement displayed in the "Siva," a dance of a variety of figures made up of graceful posturing, executed to the time of humdrum music and accompanied by singing in high-pitched notes.

An experience in which every stranger visiting Apia is invited to indulge is a jaunt of about three miles to what is known as *Papaaseaa*, a sheet of water falling over smooth rocks, where he is introduced to the novelties of a Samoan picnic, which is in reality a day's frolic in the water.

BAMBOO PILLOW.

Generally the party is decided upon several days previously, so that an ample supply of refreshments may be prepared and sent ahead early in the morning, cooked in the Samoan fashion, with hot stones, in the ground.

At about 8 o'clock, while the dew is still on the leaves, dusky maidens, resplendent with cocoanut oil and attired in festal wreaths of flowers and bright-colored *lava-lava*, assemble with the young men and invited guests at the appointed place preparatory to the march. Shouting, laughing, and singing they spring lightly along the path leading to the falls, and as soon as they arrive one after another eagerly jump into the clear cool pool of water at the base of the falls, diving and splashing in the water with screams of laughter and delight that make the valley ring with their enthusiasm. The greatest feat, which, when first attempted, fairly takes the breath away, is to go above the rocks over which the stream rushes, and with three or four seated together, toboggan-fashion, slide over the smooth rock for a distance of eighteen feet at an angle of forty degrees and plunge into the pool below. The sensation produced is indescribable, and can hardly be imagined unless realized. After spending a few hours in the water it is forsaken to partake of dinner, served upon banana leaves for plates, and with fingers

for forks. Then all return to the aquatic sports, which are kept up until it is time to return home.

The only industry engaged in by the people, aside from fishing, collecting copra, planting taro, and cultivating fruit, is the making of *tapa*, or cloth from the inner bark of the paper mulberry tree, and since the introduction of cotton prints among them its production is annually decreasing.

The various pieces of cloth are glued together with arrow-root paste until pieces sometimes a hundred feet in length by eighteen feet in width are formed, which the old women, who make all the tapa, color and figure into stripes, squares, triangles, etc., according to their wishes. A certain color and figure, however, are set apart for high chiefs and royalties, and are never used by commoners. Until fantastically figured and gorgeously colored prints were imported into the island, a piece of tapa a yard square, worn about the loins and called a "lava-lava," was all the clothing used by the natives. Fine mats of straw and of twisted fiber of the paper mulberry, the elaboration of which frequently consumes years, are considered the most valuable of Samoan possessions, and are handed down from one generation to another. A fictitious value is placed upon these mats, and only occasionally can they be purchased.

THE PAPAÁSEAA.

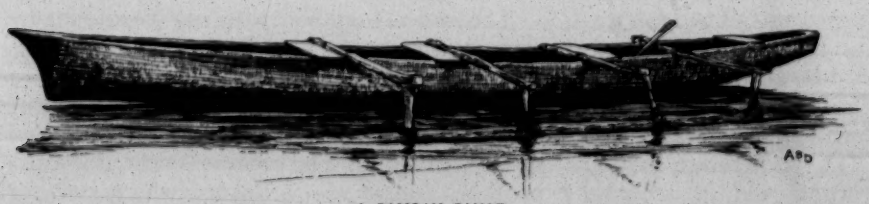
The Samoans have not varied the architectural features of their houses for many generations. A fairly correct idea of a Samoan house is represented by a huge beehive, forty feet in diameter, raised from the ground by a number of posts, varying from four to six feet in height, according to the size of the structure, and separated one from another around the circle at intervals of four or five feet. In the center are two and sometimes three main posts sunk into the ground to support the roof, and securely braced to give stability to the structure. To these the rafters are lashed, curving gracefully downwards and outwards to the circle of posts. The rafters are made of pieces of bread-fruit wood, and, in order that they may have the necessary curves, are made of pieces spliced and lashed together with sennit, a rope made from the twisted fibers of the cocoanut leaf. The rafters are crossed with ribs about two inches wide, made of the same kind of wood, and are lashed to the rafters with sennit.

The roof is thatched with sugar-cane leaves strung on pieces of reed four or five feet long, and secured to it by overlapping one end of the leaves and piercing them with small ribs of cocoanut leaf fiber, the whole being lashed down with sennit. The process is slow, but when properly done a roof is formed which lasts for

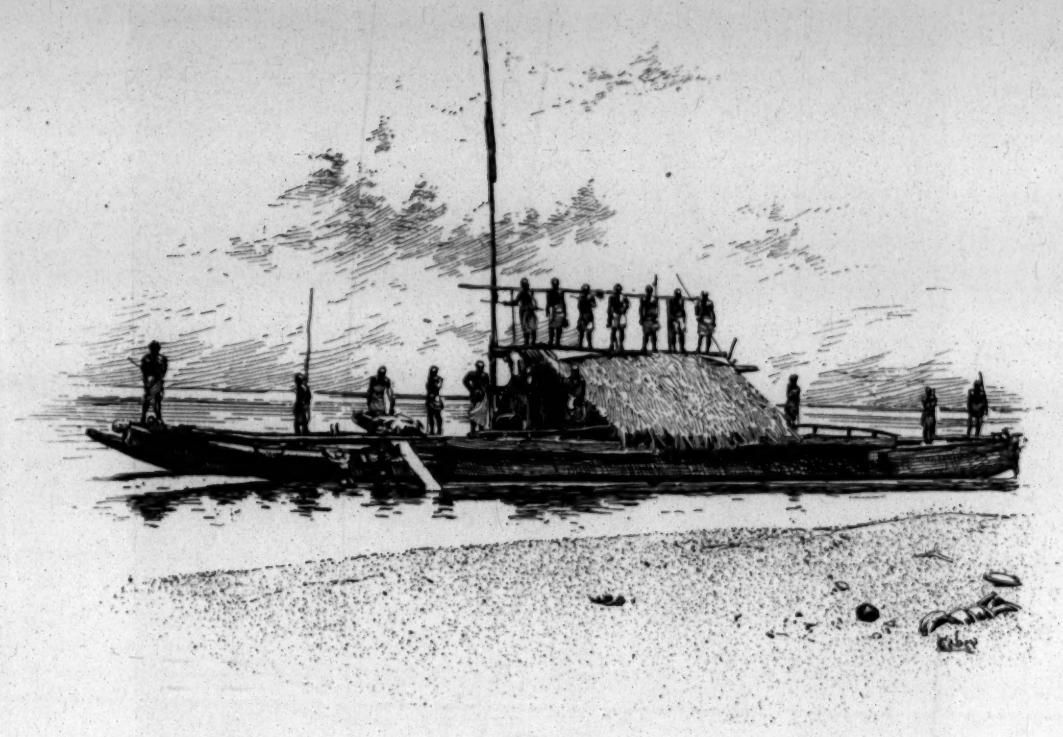
A SAMOAN HOMESTEAD.

years, notwithstanding the heavy rains prevailing at certain seasons. Cocoanut leaves plaited together, forming mats four feet long by eighteen inches wide, fastened with sennit, inclose the sides of the house at night. The floor of the house is made of smooth pebbles and pieces of coral brought from the sea, over which are spread coarse mats for ordinary requirements. The interior of the house is one large apartment used for all purposes except cooking, which is done in an adjoining hut used exclusively for that purpose. For sleeping purposes the room is divided into a number of apartments by means of tapa, swung on sennit ropes, as curtains. Folded tapa and a few mats form a comfortable bed, which is removed in the morning and the curtains lifted. For a pillow, bamboo of various sizes and lengths, raised a few inches on short wooden feet, is used. This crude device serves an admirable purpose in the tropics, but it can, however, during one night's effort to sleep, cause more annoyance to one unaccustomed to its use than anything the writer can recall, unless perhaps it be the indomitable energy of the Polynesian mosquito. Fire being unnecessary for heating purposes, the Samoans never have fireplaces, but in their stead possess a "family hearth"—a small excavation in the floor, walled with rocks, where formerly flaming fires of dried cocoanut shells and leaves were made as offerings to their gods, and around which, after the evening meal, the family gathered, bowed their heads and prayed to the gods, great and small, for prosperity and happiness.

The negotiations between the skilled and wily carpenter and the prospective Samoan house owner would amuse, but hardly meet the approval of, the business man of to-day. Under the propitiating influences of kava, the necessary presents are produced to induce the carpenter to undertake the construction of a house. It is begun at once, without any terms of agreement, and the work advances until the carpenter thinks more presents necessary, and he ceases work. Additional gifts being made, the carpenter continues the construction until he deems it necessary to demand another contribution, when he again stops work. If the contribution is not forthcoming, labor is suspended on the incompleted house, never to be undertaken for completion by another of the craft; and forever afterwards it remains unfinished and a public reproach to the good name of the unfortunate owner, who, at the time of its beginning, not knowing what may be the ideas of the carpenter as to the



A SAMOAN CANOE.



A WAR CANOE.

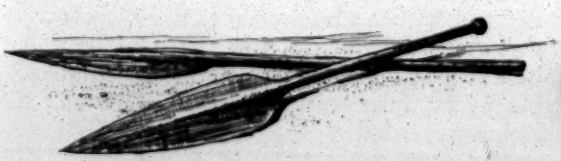
cost of its construction, must either call upon the community for aid, which is generally freely extended, or suffer the humiliation of this unfinished monument.

In the construction of their large canoes these people have shown great ingenuity and skill. Their smaller canoes are made after the pattern of outriggers, which is the prevailing form used throughout Polynesia.

The larger canoes, capable of making inter-island passages, and carrying from fifty to seventy-five persons, are models of aboriginal skill and patient labor. Unlike the smaller ones, they are made of many small pieces accurately fitted and sewed together with sennit on the inner side by a novel process of sewing which leaves the outer surface perfectly smooth. A small deck in the bow is the seat of honor, and is occupied by chiefs and the pilot, who stands erect and directs the course of the canoe as it passes through the many small and dangerous openings in the coral reefs. The helmsman occupies a corresponding deck in the stern, where, sitting cross-legged, with the aid of a long pole he steers the boat with remarkable accuracy and dexterity. Four persons occupy each thwart of these sea canoes. Sitting cross-legged and facing the bow of the boat, with short, heart-shaped paddles they literally dig their way along at a rate of speed varying from one to five miles an hour, keeping perfect time in stroke to the music of the songs they sing. By lashing together two or more canoes and building a thatched deck-house over them, accommodation for two hundred warriors is secured. In time of war these boats cruise from island to island, using cocoanut leaves woven together for sails.

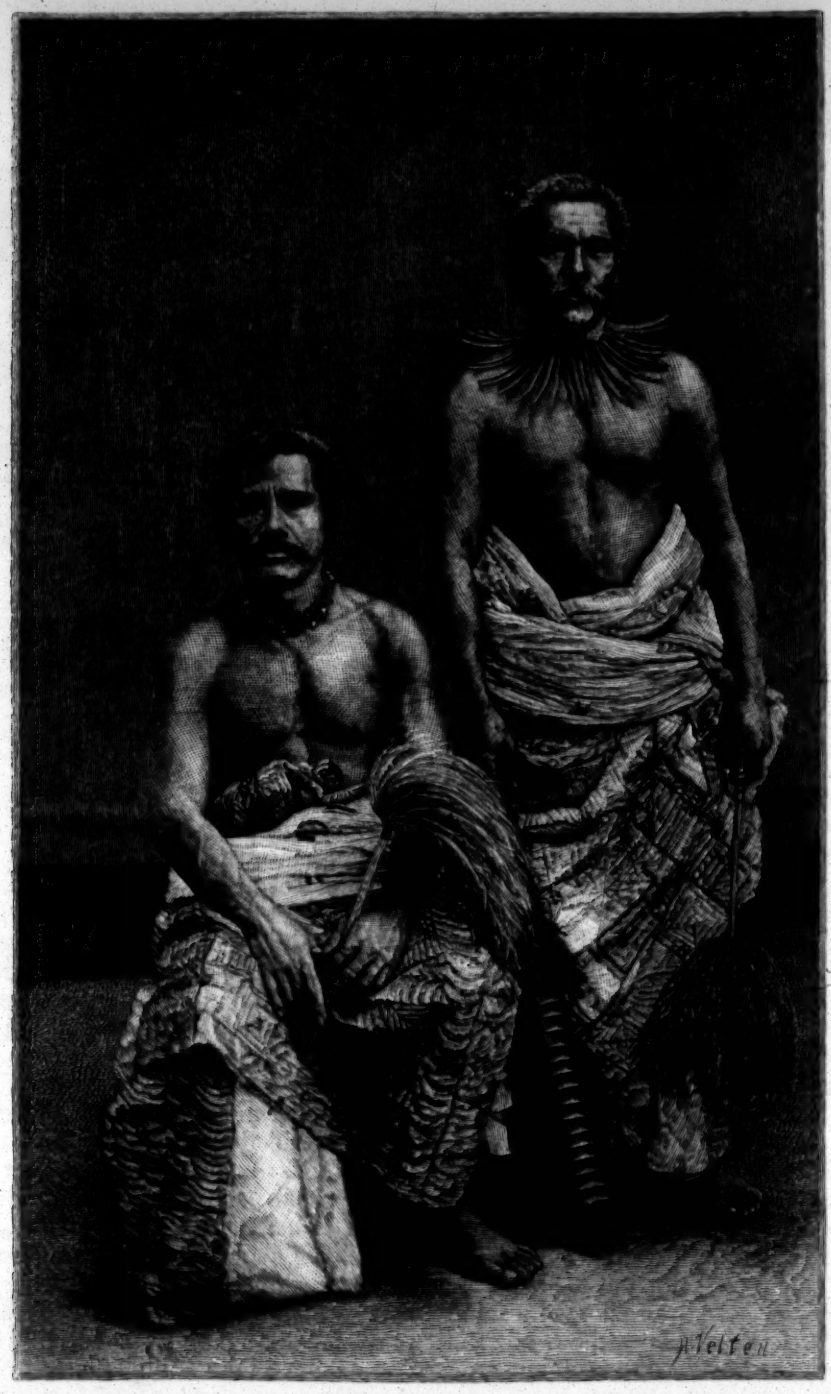
The government of Samoa is a limited monarchy, presided over by a king and a vice-king, and, since 1873, by a parliament of chiefs, divided into an upper and a lower house which is called the *malo*. In the year 1873 Malietoa Laupepa, the noblest born of all Samoans, a direct descendant through twenty-three generations of Savea Malietoa I., was proclaimed king, and recognized by England, Germany, and the United States. At the same time Tamasese, a high chief, was made vice-king.

Malietoa was carefully educated in the mission school. Personally he was retiring and unassuming. He was of studious habits, and among his subjects was considered a man of



PADDLES.

ANCIENT WAR CLUB.



Malietoa

KING MALIETOA, AND ORATOR.

much learning, and by them revered and beloved. His reign was quiet and peaceful until the close of 1884, when conniving intrigue became active, which finally resulted in Germany's attaching the king's sovereign rights to the municipality of Apia. About that time, Tamasese, the vice-king, became prominent as a rebel, and being openly supported by foreign representatives, who conceived the idea of overthrowing Malietoa for their personal interests, he was induced to revolt against the legitimate king, who was eventually seized and deported in January, 1888.

The most respected and honored person-

ages among the people, next to the chiefs, are the orators, or "talking men," who are the mouthpieces of the chiefs. This is a profession aspired to by only the few who become proficient in rhetoric, which they use with telling effect when addressing an assemblage according to the dictates of the chiefs whom they represent.

RESIDENCE OF MALIETOA.

There is an established communism among the people. To go among their friends, take up their abode, and remain with them as long as they please is a liberty that all enjoy alike; and with aboriginal naïveté they borrow or beg of one another whatever may please their fancy.

Stingy or disobliging are epithets so opprobrious and insulting to Samoans that they will give almost anything they possess, or will adroitly perpetrate an untruth, rather than acquire so repugnant a distinction. No matter how energetically one may labor, his earnings soon pass from his possession to his family or clan, who consider that they possess equal rights in their distribution. So long as this condition of affairs exists the individual distinction acquired by personal wealth is impossible, and they will never progress to the state of those nations where the reign of personal interest is supreme.

It would be unnatural for the visitor who understands these brave, generous, and noble-hearted people not to feel great sympathy for their future and welfare. "*Talofaa*" ("Love to you") is their word of greeting to him, always accompanied by a smile and an honest handshake. "*Tofaa*" ("God be with you") is their parting benediction, the significance of which was never appreciated until the hour arrived when with regret we took leave of our dusky friends who had assembled on the beach and at the boat landing, and heard their gracious last parting, "*Tofaa alii, alii tofaa*" ("Good-bye, chief; chief, good-bye"), which lingers like a melody in our memory after months of separation.

Hervey W. Whitaker.

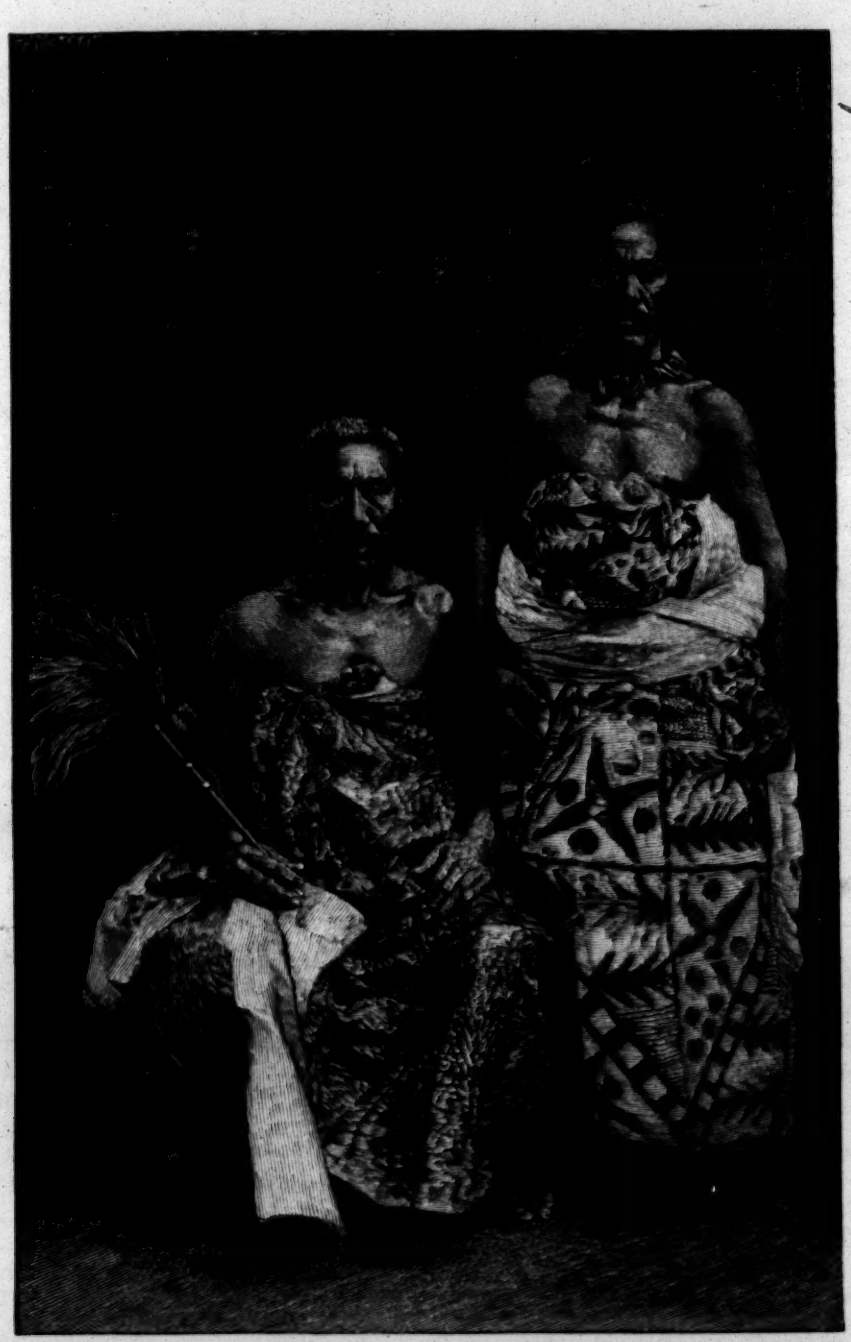
George H. Bates

OUR RELATIONS TO SAMOA.

BY THE COMMISSIONER SENT TO SAMOA BY THE UNITED STATES IN 1886.

Berlin Conference 1889

WITHIN the last few months the agitation of the subject in Congress and in the press has made known to the country a group of islands superior in location, in natural advantages, and in the character and intelligence of its people to the rest of Polynesia; and we have learned that we possess treaty rights of the utmost value, including the opportunity to control the most magnificent harbor in the Pacific, the loss of which to the British Empire was long ago bewailed by the most intelligent Englishmen. The change of sentiment in this country on this subject is well reflected by the action of



VICE-KING TAMASESE AND ORATOR.

Congress with respect to it. Though hitherto suggestions from the Navy Department as to the necessity of an appropriation for the improvement of this harbor and for the establishment of a naval station received no attention whatever, a substantial sum has recently been voted in both Houses for that purpose, and the attention of Congress and of the country has been thoroughly aroused to the necessity of asserting and maintaining our right to the permanent neutralization of Samoa and the establishment of its autonomy on a firm foundation.

Mr. John Williams, the martyr missionary, who claimed to be the first Englishman to visit the group, found the Samoans peculiarly susceptible to the influence and teachings of the missionaries, and he relates that in less than twenty months chapels were erected and the people ready and anxious for instruction. The islanders are now generally Christians by profession, and their consistency in practice is quite up to the standard of more civilized people. They are particularly rigid in their observance of Sunday, and cannot be induced to engage in any work on that day.

Nine years after the first visit of Williams,

Commander Wilkes not only touched at the islands during the course of his famous expedition, but made a thorough examination and survey, and his narrative contains an extremely interesting report of the group and its inhabitants. He was much struck with the manliness and intelligence of the natives, and found that the greatest restraint on the conduct of the chiefs appeared to be the fear of losing the good observing and reporting upon Samoan affairs, and to impressing those in authority there with the lively interest which we take in their happiness."

During his second visit Steinberger resigned his position as an agent of our Government and became premier of a Samoan government, formed under his direction. His prominence and influence excited the apprehensions of the

TAMASESE'S RESIDENCE.

name of their ancestors, and of not handing it down to posterity pure and unspotted. His conclusion was that with instruction and civilization they would probably become a thriving people.

After the visit of Wilkes the attention of our Government was again attracted to the group by the report made by Commander Meade, United States Navy, of his agreement with the chief of Tutuila in 1872. About the same time the attention of President Grant was directed to Samoa by a report of an investigation of the resources of the islands by private individuals on the Pacific coast, and the result was the appointment of Colonel Steinberger as a special commissioner of the United States.

The commissioner sailed from San Francisco June 29, 1873, and on February 9, 1874, transmitted a long and interesting report covering the subject matter of his instructions.[1]

Having won the confidence not only of the natives but of the foreign residents, Steinberger returned to Samoa in a man-of-war in 1874 as a special agent of our Government, to serve without pay. He was the bearer of certain presents from our Government to the king of Samoa; and his instructions, dated December 11, 1874, expressly limited his functions "to

[1] Ex. Doc. No. 161, H. R. 44 Cong., 1st Sess.

English; and our own consul being also hostile to him, the king was induced to ask his deportation, which was accomplished by a British man-of-war.

Among his papers, which were seized, was found a secret agreement with the German firm at Apia, which was used as evidence that he was acting in its interest. The causes of his losing influence have been the subject of much discussion, which is now of less interest than the existing situation.

It was after Steinberger's term that the treaties of 1878 and 1879 were made, and the present chapter of Samoan history began when first the German and then the American flag was raised, both acts being disavowed by the respective governments.

The agreement between Great Britain, Germany, and the United States that each should send to Samoa a confidential agent to make an investigation and report grew out of a suggestion of our Government for a conference at Washington between representatives of the three treaty powers. The proposition was accepted, with a modification, previously suggested by Germany, that before the conference each power should send a representative to investigate the political condition of the islands and report thereupon, with suggestions

KING MALIETOA AT HOME.

as to the best remedies for the troubles existing there. The essential basis of all negotiations, prior to that time and since, has been the preservation of Samoan autonomy; and the neutrality of the group was treated throughout as something which could not be interfered with without the violation of rights possessed by the Government of the United States and considered valuable enough to be maintained. After the German flag had been raised at Apia, under date of January 12, 1886, the Secretary of State telegraphed to our Minister at Berlin:

> You will temperately but decidedly, in oral conference, notify the German Minister for Foreign Affairs that we expect nothing will be done to impair the rights of the United States under existing treaty with Samoa, and anticipated fulfillment of solemn assurances heretofore and recently given that Germany seeks no exclusive control in Samoa.

In reply to this Count Bismarck said to Mr. Pendleton, January 16, 1886:

> Whatever may have occurred, we intend to maintain the *status* as it has heretofore existed. We have been satisfied with that; it has been satisfactory to the three governments; we have neither interest nor desire to change it; but if we had, we would take no step, make no movement, without frankly consulting in advance the United States and Great Britain. If any wrong has been done, it shall be righted and reparation shall be made, and nothing shall be allowed to change the relative positions of these governments.

In the same interview Mr. Pendleton said "that the United States have a treaty with Samoa, antedating that of Germany or England, securing to their citizens great advantages in the way of trade and whatever further benefits might, at any time, be granted to the most favored nation, and would not look with composure on an attempt from any quarter whatsoever to interfere with the provisions of that treaty, or to acquire any exclusive rights or privileges of occupancy or trade." "To all of which," Mr. Pendleton writes, "Count Bismarck assented very appreciatively." The first suggestion of joint control by the three treaty powers was made by the Secretary of State in the dispatch to Mr. Pendleton, June 1, 1886, proposing the conference which contemplated absolute equality of action and control among the three powers. The proposition of a conference, and prior to it an investigation by the commissioners, was in the line of this purpose alone.

The instructions to the American commissioner, under date of July 22, 1886, after referring to the provisions and assurances of the

three powers, "of their positive abstention from schemes of annexation or sole protection of the islands," proceeded to recognize that "the temporary situation in the islands may prove to be such as to require the joint effort of the treaty powers to preserve order and insure stable government, in which native interests should be under autonomous control." It is asserted that

> Each [power] has its treaty with the native Government, and their several rights run side by side, so that any predominance of one would clash with the interests of the others. This is admitted by the treaties themselves. Those of Germany and Great Britain each recognize the prior treaty with the United States, and both, by implication and in terms, bind those powers to respect it. This is especially true of the right to maintain coaling stations on the islands, which was first secured by the United States by their treaty of 1878, a portion of the harbor of Pago-Pago being set apart for the purpose. The British and German treaties followed with similar provisions, the former expressly recognizing the prior right of the United States in the premises by providing that their national stations should not encroach on that portion of the harbor already secured to the United States. We have here the principle of neutralization distinctly enunciated, and this circumstance has had an important influence on all that has since transpired. It is of special importance to the United States, for in no other part of Polynesia is a right of this nature possessed by them.

Under these circumstances and with these instructions I went to Samoa. Leaving San Francisco on the mail steamer July 31, 1886, I reached Tutuila on Sunday, August 15, having spent a night and a day at Honolulu. It was about noon when the island was reported, and very soon it rose out of the sea, lofty and precipitous and clad in a singularly beautiful garb of green, which was an agreeable surprise after having fed the imagination for a week upon the bare and blackened appearance of the Hawaiian group. It was not long before I and my belongings were put over the side of the steamer and transferred to a small German schooner which had taken the place of the German mail cutter. The voyage of sixty miles from the westerly end of Tutuila to Apia occupied the afternoon and night. By daybreak we were sailing around the eastern end of Upolu, and as the dawn progressed the beautifully wooded slopes of the island, rising from the sea by gradual ascent to the height of four or five thousand feet, came out in bold relief. Before 8 o'clock we rounded the point at the entrance to the harbor, and as we slowly approached our anchorage there was ample time to observe the beauty of Apia, nestling under the hills and stretched along the shore in a semicircle from Matautu Point to Mulinuu, until recently the traditional seat of Samoan government.

The United States steamer *Mohican* had been ordered by cable to Auckland to meet me, and it was a disappointment not to find her at Tutuila. I learned later that she had been in Fiji, beyond the reach of the cable; and it was some time after my arrival before I had the satisfaction of seeing her steam into Apia. Meanwhile, in the absence of the consul, I found myself comfortably ensconced at the American consulate, taking my meals for a few days at the International Hotel, kept by an American. Afterwards, in view of its distance, I was fortunate enough to make an arrangement for meals nearer the consulate until the *Mohican* should arrive. The German officials have most excellent quarters, and Mr. Travers, the German special commissioner, was kind enough to invite me to take up my abode there, and the British consul and his wife also threw open their very attractive and comfortable house to me. Both these invitations, however, I was obliged to decline, as the acceptance of either would have given a false impression to the natives, who are easily affected by the most trifling circumstances.

On the morning of my arrival, after breakfasting at the hotel I started out in quest of the American consulate, and stopped to inquire the way at the store of an American merchant, to whom I had brought letters and messages from his friends in the United States. While talking with him, he suddenly turned and beckoned to a fine-looking native who was passing, saying to me at the same time, "Let me introduce you to the Secretary of State." It proved to be Mamea,[1] who came to Washington in 1878, and who was a cosignatory with Mr. Evarts of the treaty between the United States and Samoa. I had already become somewhat accustomed to seeing the natives walking along the street with only a breech-cloth, or lava-lava, except that many of the women wore some loose garment about the shoulders; but it required a readjustment of preconceived ideas to stand as I did, shaking hands with Mamea and observing a Secretary of State barefooted, bareheaded, with a loose doublet around his legs reaching to the knees, and a blouse or jacket, which, I afterwards observed, was rather characteristic of high officials, who usually wear either such a garment or a shirt hanging loose over the lava-lava. I found Mamea affable and intelligent and able to speak English moderately well. He walked with me to the consulate, near which I saw, flying from a flag-staff lashed to the top of a large tree in front of the Government building, the Samoan flag, and waving over it the little American flag which

[1] It turned out that he was really Secretary of the Interior; but it made little difference, as there was then practically an interregnum and the offices were merely nominal.

Consul Greenebaum had raised the May previous. Captain E. L. Hamilton, the American vice-consul, received me very courteously, as did also Mr. Travers, the German commissioner, on whom I called a little later. Captain Hamilton has resided in the islands over thirty years, has accumulated property there, and both personally and officially was a creditable representative of this country. His wife is a Samoan woman of high rank, very attractive in person and manners, whose hospitality is doubtless remembered by all Americans who have visited Apia within the last few years.

Soon after my arrival at Apia, the English commissioner, Mr. (now Sir John B.) Thurston, arrived, and he and Mr. Travers and I became absorbed in the investigation which was the object of our visit. Very soon after my arrival, though I had no official relation to the Government there, I made a call of courtesy upon the king and found him to be a man of fine personal appearance, with an intelligent and benignant countenance, and great dignity of bearing, which the extreme simplicity of his native dress did not lessen. Mr. Thurston also called upon the king, but Mr. Travers did not, giving as his reason the strained relations between the local German officials and Malietoa, which were afterwards made the pretext for a declaration of war by Germany against Malietoa personally. The king shortly afterwards made an appointment with Mr. Thurston and me to return our calls, and we received him together. I afterwards saw him frequently without any reason to change my opinion.

This king presents a figure humble but heroic. Monarchs of prouder name and more extended sway might emulate the singleness of heart with which he devoted himself to his one object in life — the good of his people. It was impossible to converse with him frequently without being deeply impressed by this as his leading characteristic. Conscious of his own limitations, but of extreme rectitude of purpose, he lent a willing ear to those who could unfold the better ways of higher civilization and adapt them to the growing needs of a people strong in native stock and promising in capability of development under stable government and enlightened contact; even his apparent vacillation at times, as he sought annexation or protection from one or other of the great powers, was due to a lofty preference for the welfare of his country at the expense of his own sovereignty. When at last confusion, disappointment, and treachery closed around him, Malietoa gave himself up, in the vain hope that the abnegation of all that made life dear, his personal hope of being the medium of reform and advancement to the Samoans, might spare them the cruelty of further outrage and suffering. Calm, Christian, and in a certain sense statesmanlike, from his exile home in strange islands of the western Pacific, Malietoa Laupepa, the rightful and recognized king of Samoa, has a call upon our high consideration and active remembrance. Three other chiefs deserve special mention. Mataafa, since chosen king and surnamed Malietoa, was, during my visit, in the party of Tamasese, though the latter was his inferior both in lineage and capacity. Mataafa is a man of great force of character, as he has recently demonstrated to the world. He is, in common with many of his countrymen, a devout Roman Catholic, of which church there is a flourishing branch in Apia under the care of French missionaries. In my report, since published, I referred to Mataafa in connection with a prediction which I ventured to make that the recognition of Tamasese would result in immediate divisions among his followers as to future leadership. Seumana was the governor or head chief of the Tuamasaga district, in which Apia is situated. He seemed to me, taking in the whole range of physical, mental, and moral attributes, a man of as fine nature as can be produced anywhere. The highest civilization has not revealed a more attractive picture of domestic happiness than that of Seumana and his wife, Faatolia, and their baby. In the stirring time prior to Malietoa's deportation Faatolia was, probably with truth, suspected of being a medium of communication between Apia and her friends in the bush. Consequently she was taken to the German barracks and placed under a guard, who are said to have refused to permit her to go out of their sight, even under the most extreme necessity.

Asi was the great war chief on the side of Malietoa. Having a physical frame unsurpassed by any I have ever seen, he was at times as gentle in manner as a woman. He conversed with fluency and force and emphasized his words with the right forefinger extended, which often came down upon a table in front of him with a force which made one tremble to think what would be the power of his uplifted arm with club or ax in battle. Asi's daughter, Faapeia, was the most graceful and beautiful Samoan dancing girl, with a figure which might excite the envy of any woman. She never moved about without a train of attendants, and in this style frequently visited the American ships and danced for the amusement of the officers. At the time of greatest stress she was asked to dance on the German ship, and her father refused to allow it. Her dancing in the United States ship *Adams* immediately after made the German officers very angry, and soon afterwards Asi was deported. The other native chief whom I specially recall

was Selu, the Secretary of State. Slight in stature and frame, he was keenly intellectual and fertile in resources, with courtly bearing and mild, though persuasive, speech; it often seemed to me that a high degree of education would make him capable of winning great social triumphs anywhere.

Tamasese, the leader of the insurgents, I did not see, he being with his forces at a distance from Apia; but there was a general concurrence of opinion, except among those who were engaged actively in supporting him, that he was a man inferior in capacity to the chiefs just mentioned; and although entitled to be treated as a chosen head of the Tupua family, it is hardly likely that he could have maintained himself as a leader except under the tutelage and with the active support of a foreign power.

The climate of Apia is not at all trying. The temperature does not vary the year round two degrees from 80° F., and there is always the trade-wind blowing with such regularity that the residents speak of going to windward or leeward instead of to east or west. The atmosphere is moist, and out of the breeze one perspires freely; but it is always easy to find a breeze by going out of doors. An umbrella is a constant companion, for protection not only from the sun, but also from frequent and sudden showers, which come without any premonition and are often over before shelter can be reached. The natives always run under shelter from these showers, not because they have any clothes to be injured, but because they object to having their hair wet after it has been dressed; and they present a comical appearance walking along naked above the waist, bareheaded, and holding an umbrella over them. The ease with which foreigners become accustomed to seeing the natives in scanty costume makes it doubtful whether the efforts of the missionaries to induce them to wear clothing like foreigners have been entirely judicious. Their natural costume, besides its inexpensiveness, is well suited to the climate. In Tonga, where the natives are compelled by law to wear clothes, they utilize every available fabric from old coffee-bags up; and the result is not conducive to cleanliness, which is a marked characteristic of the Samoans. The latter are greatly favored by having, all around the coast at short distances, beautiful fresh-water rivers, which find their way from the mountains of the interior to the sea over pebbly beds; and in these, at all hours of the day, the natives of both sexes disport themselves like ducks, whose equals they are in managing themselves in the water.

It is the presence in Samoa of a relatively large foreign population, with more or less of the greed and selfishness usually characteristic of the relations of white people to aboriginal races, that has made difficult the problem of government, and that necessitates the well-considered assistance of the great powers whose citizens and subjects have acquired residence and property interests in the islands.

Having immediately after my arrival settled down to work, after a short sojourn on the shore I had the satisfaction early one morning of seeing the *Mohican* steam around the point and into the harbor; and thereafter I found myself in most comfortable quarters on board, where I enjoyed to the fullest extent the unwearying hospitality of Captain Day and the cordial coöperation, with respect to the objects of my mission, of himself and his officers.

With the exception of two weeks' absence on a trip to Tonga, on the *Mohican*, I was unremittingly engaged in the investigations which I was required to make, and in the course of them found all the foreign residents not only willing but eager to impart information and opinions, all of which had to be carefully weighed with due regard to their source. At last I was transferred from the *Mohican* to the San Francisco mail steamer, and reluctantly bade farewell to Samoa. The 17th of October, on which I left the kingdom, was Sunday in east longitude time. This is observed in Samoa, although it is in west longitude, because the early missionaries carried with them New Zealand time. Consequently as I stepped on board the mail steamer I found myself in the middle of Saturday, October 16, and the following day enjoyed the novelty of a second Sunday, October 17. This made me even again, as I left the out-going steamer on Sunday, August 15, and on the following day found myself in Tuesday, August 17. Monday, August 16, 1886, was a day entirely lost to me, and in place of it I had in that year a second edition of Sunday, October 17.

The commissioners had reported to their governments early in 1887, extracts from their reports were exchanged, and in June and July of that year the conference met at Washington, the Secretary of State representing the United States, and the German and British ministers their respective governments. The protocols of the conference, recently sent to Congress, have fully disclosed its internal history. Its failure of immediate practical result was due to the insistence by the American representative upon the principle of equality of control which had theretofore been uniformly admitted in every reference to the subject by representatives of the treaty powers, while the German representative for the first time set up a claim to mandatory control for Germany, in violation of the understanding upon which the negotiations had proceeded. This divergence

of opinion and the surprise occasioned by it were forcibly expressed by the American representative at the time.

It may therefore be regarded as fully recognized and established that the object of the United States in proposing the present conference, and of all three powers in sending commissioners to the Samoan Islands to report on the condition of affairs, was to maintain autonomy and independence of the islands under a native government. Such being the declared object of the conference, I have listened with regret to plans and suggestions that appear to me to depend upon the recognition of an inequality of interest of the three powers in the political, moral, and commercial welfare of the islands, and to look unequivocally to the prompt suppression of the native government.[1]

They embarked upon the conference with a declaration of the absolute equality of the three powers, and that they were acting in an advisory capacity towards the Samoan people, and that they desired to preserve the independence and autonomy of the islands and absolute equality of treatment in respect of commerce, navigation, jurisdiction, etc., and it is further stated that it was intended that there was to be no inequality whatever in respect to the influence to be exerted by the three governments upon this community; that, whether their interest was little or large, the basis of their approach to this question was the equality of the three treaty powers in dealing with the subject of Samoan government. . . . They approached it with equal responsibility and equal right to deal with it. It was understood that they all had agreements in the form of treaties with this people and were disposed to stand by them. This is found in the united representation of the three powers that the existing treaties were to remain.[2]

The conference was adjourned, not concluded, on motion of Mr. Bayard, to permit the consultation of its members with their governments upon the subject of their differences; and in a dispatch, dated August 7, 1887, Prince von Bismarck, after restating the different views expressed in the conference, admitted that the position taken by the German minister could not be maintained except with the cordial concurrence of both of the other treaty powers, and he reiterated in the most unqualified terms the often expressed understanding as to equality of interest and control.

The Imperial Government does not see in the American counter-proposition any redress of the now existing evils; it does not aim, notwithstanding the preponderance of German interests over those of other nations in Samoa, at the exercise of a stronger influence with regard to the affairs of the islands than England and America, unless such influence would, in the common interest of the three nations, be willingly conceded to it, as has been done by Great Britain, and, as we were in hopes, would be done by the United States too. This hope having proved to be erroneous, we consider, as we have done hitherto, the now existing equality of rights of the three nations as the acknowledged basis of their relations to Samoa. . . .

The Imperial Government is, of course, far from intending to bring about any change in the political relations which the three powers represented there and connected by friendship entertain to Samoa; on the contrary, we maintain unaltered the existing treaties and stipulations between us and the Government of Great Britain and the United States with regard to that group of islands, as well as the equality of rights of the treaty powers. We shall also in the future continue our endeavors to arrive at an understanding about the necessary reforms in order to establish lasting peace on the Samoan Islands, in the interest of the foreign and native population.

A solemn recognition of the equality of the three treaty powers is found in the Municipal Convention of 1879, which was composed of the three consuls and an additional representative from each nationality; and so carefully were the rights of each power preserved that no business could be transacted at any meeting of the municipal board unless a representative of each power was present. Even after the deposition of Malietoa, and the setting up of a pretended native government by the Germans, the German Minister of Foreign Affairs, as reported by a dispatch from Mr. Pendleton, dated October 13, 1887, professed to recognize that equality between the powers which the action of his government's authorized local representatives had done all that was in their power to destroy. Mr. Pendleton quotes Count Bismarck as saying "that the German Government desired to maintain the good *entente* between the powers in regard to Samoa *upon the principles so well known to them all.*" And while at this time the German officials had assumed practical control of the Government of Samoa, the minister suggested "that there seemed to be no reason for haste just now; and that with new light on the *status*, as it should then appear, all the governments would go forward in the same spirit which had actuated them heretofore."

And it would almost seem as if it was with the view of diverting the attention of our Government from the German operations in Samoa that Prince von Bismarck, on November 18, 1887, addressed to the German minister a dispatch to be communicated to the Department of State, commenting on the alleged "Anti-German attitude" of our consul-general and his predecessors. Even in this paper is reiterated the principle of equality, notwithstanding the asserted "mercantile preponderance" of Germany, when it says: "We have always maintained the principle of equality of rights of nations in Samoa, and never aspired to political advantages."

To this dispatch the Secretary of State, in a comprehensive view of the whole subject, on

[1] Protocol, sixth day. [2] Protocol, fifth day.

the 17th of January, 1888, refuted the charges made against our consular officers, and concluded with this emphatic repetition of the American position:

> But, for the very reason that the native Government of Samoa is weak, it has seemed all the more clear to the United States that the control of the islands by any strong foreign power, or its representatives, would defeat the great object of securing native independence and autonomy, and the practical neutralization of the group. Under such control a native government would necessarily cease to have more than a nominal existence; the native element in the islands, deprived of voice and influence in the management of their affairs, would quickly succumb to the aggressive and exclusive tendencies of the foreign residents; and, under these circumstances, the islands would inevitably become a colony of the foreign power by which, or by whose representatives, the Government was actually administered.

To this no direct reply appears to have been ever received.

Since the popular interest awakened in the subject in this country and in Congress, Prince Bismarck (January 13) reiterated his assurances of due regard to the treaty rights of America and England with respect to Samoa, and subsequently (February 1) informed our Government that the German consul had been instructed to withdraw his demand for temporary administration of the islands, such "demand not being in conformity to our [German] previous promises regarding the neutrality and independence of Samoa."

It was therefore upon the same basis of neutrality and autonomy for Samoa and equality of rights and influence for the treaty powers, which underlies the entire negotiation, that the renewal of the conference at Berlin was agreed to. The diplomatic assurances from Berlin have been fair from beginning to end. If doubts are entertained as to their fulfillment, they arise from the contrast between previous promises and the progress of events at Apia, as disclosed by the official papers sent to Congress. On August 23, less than a month after the adjournment of the conference, without notice to this Government, war was declared by Germany against Malietoa because of his inability, on twenty-four hours' notice, to pay a large indemnity for alleged thefts of fruit during four years, and for the injury to a German who had his nose broken in a brawl on the Emperor's birthday in March previous. At once, upon the declaration of war, Apia was filled with German sailors, who were ostentatious in their disregard of the most ordinary personal and property rights of Americans and Englishmen. The German flag was raised over the Government house of Samoa. Tamasese was brought to Apia by a German ship, saluted, landed, and installed as king by the German forces. A so-called government was set up, under control of a clerk of the German trading house as Premier, who early in August had circulated reports anticipating what did occur. Malietoa, having surrendered himself to avoid bloodshed, was deported, and for months the local German officials and naval officers controlled affairs through the nominal government of Tamasese, disregarding the rights of all other foreigners and levying taxes to a point at which the Samoans could no longer pay them and live. The chiefs were summoned, under threats of war, and forced to sign an acknowledgment of Tamasese at a *fono*, held under the guns of the German fleet, at which all discussion was forbidden; and our Government was congratulated upon this result as carrying into effect its suggestion for the election of a king. The office of the Premier was in the German consulate, and thence all Tamasese's orders were issued. Finally the municipal government was broken up.

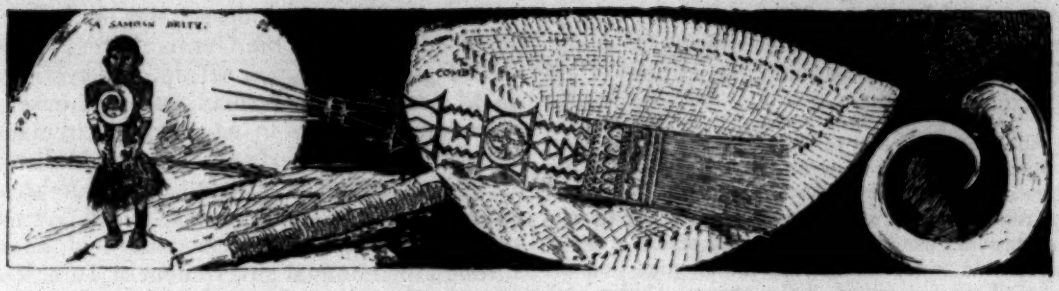
This condition of affairs grew worse and worse until it was ended by the revolt of the Samoans under Mataafa, the conquest of Tamasese's forces by him, and the awakening of interest in the United States, when the whole subject was brought by the President to the attention of Congress.

For the first time the German Government seemed to understand that there was a limit to the violation by local officials of its promises to us beyond which our Government would not remain quiescent, and a renewal of the conference was proposed with new assurances of good intentions for the future.

Such was the situation when the approaching end of the term of President Cleveland naturally suggested a pause until the new Administration could take up the question.

The position to which we should adhere has been laid down both in the long correspondence and in the attitude of Mr. Bayard in the conference of 1887. The justice of that position has been admitted by Germany and England. Recent events indicate that Prince Bismarck for the first time appreciates that the United States will submit to no less. He understands, as every one does, that Germany cannot go to war about Samoa, and that in such a war she would have an indefensible position upon the facts. Hence it is much to be desired that these two great nations, which ought to be not only at peace, but friendly, will now make a settlement of the vexed question which will conserve all the treaty rights of the United States and at the same time contain the fulfillment of our implied promises to Samoa.

George H. Bates.



THE "TUSCARORA'S" MISSION TO SAMOA.

DURING General Grant's Administration attention was called to the necessity of the United States having coaling stations or places of call for its cruisers in case of war. During the cruise of the Confederate steamer *Shenandoah* in the South Pacific, where she destroyed our whalers, our vessels sent in pursuit were unable to get coal or to go anywhere for repairs. The President, seeing that it was desirable that we should have some point in the South Pacific where our navy in time of need could find shelter and a depot for supplies, and our mercantile marine a place for trade with the surrounding groups of islands, sent Colonel A. B. Steinberger to the Samoan Islands in 1873.[1] Steinberger remained among them long enough to make a thorough investigation bearing upon the commercial value of the islands, their harbors, and the facilities for coaling stations for our cruisers. He made his report, which was sent to Congress by President Grant April 21, 1874. The Samoans addressed a letter to President Grant asking that we would aid them in forming a government, praying for our support, and offering annexation to the United States. The President sent Steinberger back to Samoa as American commissioner. He took passage from San Francisco in the flag-ship *Pensacola* to Honolulu, where he was transferred to the United States ship *Tuscarora*, Commander Henry Erben. A large quantity of freight in shape of arms, some of the very newest pattern, was also taken on board the *Tuscarora*. Commander Erben was ordered by the Navy Department under date of 11th January, 1875, to receive Colonel Steinberger, with his clerk, and convey him in the *Tuscarora* to Samoa, and "to extend to him any facility that you can for the execution of his mission." In March, 1875, the *Tuscarora* arrived at Apia. Commander Erben informed the chiefs of his arrival, also the object of the visit of Colonel Steinberger, also that he was the bearer of a letter from President Grant to the chiefs. The chiefs appointed April 1 for receiving the United States commissioner. They asked that time be given them to get the petty chiefs together and properly to receive President Grant's sealed letter. Twenty-two days were needed. Before the council adjourned a present was made to the *Tuscarora* of 450 chickens, 17 pigs, and about a ton of yams and potatoes. The schooner *Peerless* arrived at Apia from San Francisco shortly after the *Tuscarora*. She had been purchased by Steinberger in San Francisco for his personal use, and a battery of one twenty-four pounder put aboard of her, with the usual number of small-arms. She was sent to the islands of the group to bring up the chiefs to be present at the *fono*, or reception, on the 22d of April; she also did surveying work about the other harbors of the group.

The days before the *fono* were spent in daily conventions explaining to the chiefs in council the Constitution; every article was gone over, and they thoroughly understood each. The Samoans are a superior race of aborigines, intelligent, all having been taught by the missionaries to read and write their own language. The Government was based upon the Taimua, seven chiefs chosen by the other chiefs to serve for one year each. A king was elected, Malietoa. This was not done hastily by any means, but mature deliberation was given, and each candidate's fitness fully considered. On the 22d of April Commander Erben with the officers of the *Tuscarora* attended the council. The sealed letter from President Grant was delivered to King Malietoa, who handed it to Commander Erben to read. A translation was also read by Dr. George A. Turner of the London Missionary Society medical mission. The greatest enthusiasm was manifested. Colonel Steinberger explained to the people the importance of the occasion and the meaning of the articles of the Constitution. The new flag brought out in the *Tuscarora* was shown, and he proposed that it be adopted as a national emblem. The flag consists of seven stripes, red and white, each representing an island, and a white star in a blue ground, representing the Government island of Upolu. It was adopted by the Government, hoisted in the square, and saluted with twenty-one guns by the ship, and the foreign officials were notified of the adoption of both Constitution and flag. The parade that day was a grand and picturesque affair. Fully eight thousand persons were in line, all dressed in fancy costumes, marching splendidly, each village by itself, preceded by beautiful village maidens dressed in their prettiest feather robes of all colors. The men performed athletic feats and feats of arms, showing their war ma-

1 While President Grant was looking for a naval station in the South Pacific, he at the same time was having the harbor of Pearl River, near Honolulu, Sandwich Islands, in the North Pacific, examined or surveyed by a commission composed of Major-General J. M. Schofield, United States Army, Major Alexander, United States Engineers, and a naval officer, with the view of our obtaining possession of it and using it as a naval station, with dry dock, etc. [This is the harbor recently ceded to us for such use by treaty with Hawaii.]

nœuvres as they advanced. The Samoans are a fine-looking race, and different from any of the other Pacific islanders. This parade will never be forgotten by those who viewed it. As they passed by, presents to the *Tuscarora* were deposited before Commander Erben and officers; these, when received on board, amounted to 700 chickens, 70 hogs, and tons of yams and cocoanuts. The cocoanuts were necessary to feed the chickens and hogs, as the chickens would not eat corn. The cocoanut-fed hog furnished a delicate pork for the table. After the parade and ceremonies the foreign consuls and missionaries called on Commander Erben and promised their aid in giving strength to the newly formed Government. In this way the Government of Samoa was inaugurated. The great chiefs remained at Apia for some little time, until a code of laws was made. These were simple in their nature, relating to murder, assault, theft, perjury, revenue and trading, and trespass. The laws regarding liquor selling were well defined, the restrictions being regarded by the liquor sellers as very arbitrary. The *Tuscarora* remained at Samoa long enough to see everything working smoothly and then sailed for Honolulu. Before leaving, the Taimua of Samoa addressed a letter to Captain Erben and to Colonel Steinberger, and a letter was sent at the same time to President Grant.

In this connection I may state that Mr. William H. Webb, the eminent ship-builder of New York, in 1870 established a line of steamers from San Francisco, via Honolulu, to Australia. Looking about for a place in the South Pacific where his vessels could stop and take coal, he, after a personal inspection, selected the Samoan group as the one offering the best facilities and being nearer the route followed by his ships. He made arrangements with the petty chiefs for a spot to establish a depot and fly the American flag, Pago-Pago being the port selected. Our Government never appreciated the work of Mr. Webb, and that it failed to take advantage of the opportunity of opening up a trade with the South Pacific there is no doubt, but the names of the gentlemen engaged in the enterprise show that the company was formed of San Francisco's most respectable men. That their business would be carried on with greater security and their capital better protected under a settled and recognized Government was a fact well recognized by them.

The following letters are given here because they do not appear in the printed Government records.

TRANSLATION BY GEORGE A. TURNER, M. D.

HOUSE OF THE TAIMUA OF SAMOA,
MULINUU, May 12, 1875.

To ULYSSES S. GRANT,
The President of the United States of America.

GREAT AND EXCELLENTLY GOOD SIR: We have received from Colonel A. B. Steinberger your very excellent letter, which was written on the 11th December, 1874.

Our joy is very great, and our thankfulness to your Excellency, in that you have been pleased to regard us, and accept our letter and our petition, which was sent to you.

That was indeed a red letter day for us, and all the people of Samoa, on which Colonel Steinberger first gave us your letter and we perused it; and we also again looked upon the person of Colonel Steinberger, who had returned to Samoa then. Thus was our thanksgiving, "the will of God is good"; it is he who has enabled you to regard us, and to appoint him to Samoa to become a source of light in all matters which will give right and solidity to our Government and the laws which have been set up in Samoa. You are aware our weakness and ignorance is very great; our land has not been accustomed to these affairs; it is, as it were, a new thing to us.

Our anxiety was very great during the time that we had not received an answer whether you would accept our wish or not, as also from false stories of vagrants in Samoa. But now these stories are things of the past; we have no longer any doubts; our thoughts are only those of thanks and rejoicing because of your letter and Colonel Steinberger, who is the full pledge of your kindness towards us; on account of this we are now of good courage, and have confidence and also great strength.

All the encouraging words of your letter are very good, to our thinking; we will heed them.

We are very grateful indeed for the present from your Excellency and your Government, the weapons which were brought by Colonel Steinberger to us to strengthen our Government, because, since he reached us and gave us these weapons, our Government has not been hampered in any way; no one has attempted to originate quarrels, as was our foolish custom in days gone by.

Although we are well aware that we can be of no use to you and your Government, it is right for you thus to show friendship to us; but it is on account of your free will to us and our land that you have given us these handsome presents.

We have received from Colonel Steinberger the new flag, which was made for our Government; we deliberated whether we would receive it. We have resolved to accept it gratefully, because it is a very beautiful flag, and we have now adopted it as a sign that our country is one and desirous of establishing a new government.

We are also very desirous of keeping steadfast our present prosperity, and that by God's will it may not again be interrupted. We are about to commence this year fresh plans, which we hope will give unity to our Government; we are now, in fact, beginning this with Colonel Steinberger.

His zeal is very great in helping us and showing us things that are right and useful.

We shall esteem this gentleman very highly on account of his love and humility and great forbearance, inasmuch as great is our inexperience and slowness of comprehension at present. But he is not disheartened on that account; on the contrary, it is as though our darkness and slowness are the cause of his being more zealous and energetic, by night and by day, to make things plain to us, just as is the true love of a father to his children.

Our pleasure in Colonel Steinberger is still very great, and our prayer to God is that he may be pleased that nothing in his providence may happen to cause his speedy removal from among us, but that he may remain with us in Samoa till his death. Our reason for this is that we are well aware that this gentleman is very useful indeed to our land; through him our Government is for the first time strong and able, as it were, to stand and walk about, so also with all arrangements regarding our laws.

Captain Erben, the commander of the war-ship *Tuscarora*, has also been with us for some time; the zeal of that gentleman in encouraging us was indeed great; the behavior also of the officers and all his crew were excellent before us and all the Samoan people; all that they did in Samoa was very good indeed.

The words which we have written in this letter are not many, lest you should get weary in reading it; but your letter we shall preserve, that future generations of Samoans may peruse it.

We send our best respects to your Excellency. May the ever-living God be pleased to preserve your Government forever.

(Signed) TAIMUA OF SAMOA.

TAGALOA.	MISA.
TUIA.	LETUFUGA.
FUATAGA.	AUFAI.
MATAUTIA.	TIA.
TAUPAU.	MATAAFA.
SAMOA.	ASIATA.
LEMANA.	LAVEA.

Written by order of the Taimua.
(Signed) LEMAMEA.

HOUSE OF THE TAIMUA OF SAMOA,
MULINUU, May 12, 1875.

TO HENRY ERBEN,
Captain of the American war-ship "Tuscarora":

We write this letter in reply to your address, and your encouraging words to us which were written on the 9th April, 1875, and were read in our presence at our meeting at Mulinuu on the 22d of the same month.

We are very thankful that God has been pleased to permit your present mission to be carried out so that we have met, and we once more look upon the person of Colonel Steinberger, who has returned.

We are very grateful to the President and Government of the United States of America, in that they have been pleased to reappoint Colonel Steinberger to live in Samoa, because it is true he is a gentleman who has a great deal of true love, and is very useful to our Government, and in all matters regarding our laws. Our minds are quite made up that he will dwell with us in Samoa if God wills it; only if he were to die, that is the only thing that will separate us.

All the directions given to us by Colonel Steinberger are, to our thinking, very right and useful.

Your mission also is excellent, and the behavior of all the people in your vessel before all the people of Samoa is very good indeed. Nothing whatever unseemly has been done by any of your crew since you came to Samoa. But our fear is very great lest any Samoan behave badly, and cause your displeasure and your return with bad tales to the Representatives and the President of the American Government. You are aware that the Samoans are not accustomed to foreign manners; probably they will become acquainted with them, however, ere long.

All the words of encouragement which are written in your letter, and which you spoke to us on that day, we shall never forget; we shall preserve them, and make ourselves familiar with them, and put them past that future generations of Samoans may see them.

We also pray to God that he may hasten the time when Samoa shall carry out all the directions that you have given us, and that you may hear reports some other day regarding the Government of Samoa whether the good seed which you have sown on their account bears fruit or not. All this will take place if the Lord pleases.

We are very much pleased at the present time because we have got a good flag for our Government; we are glad, and admire it because the sign of enlightened nations has been set up in this our land.

We are very much pleased and thankful for the weapons given us by the great Government of America, to make our Government respected. We are indeed strong on account of them.

Our Government and our laws were very much hindered during these years which passed since we parted with Colonel Steinberger up till the time of his return now, but all these hinderances have now passed away; no sound of quarreling or proposals for war are any longer heard, such as were the foolish customs of this our land in former days.

Now we cultivate friendship with all foreigners living with us in Samoa, provided they do what is right in accordance with the laws of our Government.

Our friendship is still great towards the great Government of the United States of America, on account of the true friendship towards us who are ignorant and weak.

With these few words we desire to reply to your address and your encouragement to us. But your letter, with all that it contains, and this, our reply to it, will be, as it were, the means of our having intercourse together in the future when we look at them.

May you have health and strength from God, and may your voyage end happily.

(Signed) TAIMUA OF SAMOA.

LETUFUGA.	LEMANA.
TIA.	MISA.
MATAAFA.	TUIA.
AUFAI.	SAMOA.
LAVEA.	FUATAGA.
ASIATA.	TAGALOA.
TAUPAU.	MATAUTIA.

Written by order of the Taimua.
(Signed) LEMAMEA.

HOUSE OF THE TAIMUA OF SAMOA,
MULINUU, May 13, 1875.

TO THE CHIEF COLONEL A. B. STEINBERGER,
Who is now living in Apia:

We have already written a few words in acknowledgment of the many encouraging and kind words addressed to us by Captain Erben, the commander of the war-ship *Tuscarora*, at our meeting at Mulinuu on the 22d day of April, 1875.

We have also written a letter of thanks in reply to the letter of his Excellency the President of the United States of America — thanks because he has been pleased to entertain our desires which we made known to him. We are going to preserve his letter as, in our sight, precious property, in order that we may constantly look at it, as also future generations of Samoans. We beg you to be kind enough to give our letter to Captain Erben, in order that he may take it to the President of the United States of America, if the Lord be pleased to permit his safe return.

Our joy and thankfulness is very great indeed because you have come back to Samoa, with your true love to us. On this account you have left the good and pleasant things of your own land and your family, in order to come and assist us.

Our fears were very great indeed during the time now gone by when we were far distant from one another; we thought you had forgotten Samoa. But now that we again look upon you, great are our thanks to God, and our thoughts are that our Government and our laws will now be thoroughly consolidated, because you have returned; for although the Samoans have been well trained by the missionaries in reading, and the word of God, and many other good things, with the modes of government and law-making we are not conversant.

We think that we and all the Samoan people at the present time are blessed, and are about to obtain permanent peace by legislation and through God's blessing, whereas former generations of Samoa have passed away in darkness and distress.

And now, with reference to the presents from your Government which you have given to us, our pleasure is very great indeed, and you have the thanks of all the people of Samoa, because what you said is true. Samoans can do many things for the Government, but it is impossible for any one in Samoa to manufacture guns. The Samoan Government has been greatly strengthened since you came and gave us these cannon, and the arms and clothes for the police, all which things Samoans are observing.

Samoa was on the point of again getting into trouble, if God had not been pleased to bring you quickly back to Samoa, but now there is no longer to be heard the sound of war or any other thing to cause trouble to the Government of Samoa.

A great many false stories were circulated by wanderers from other lands who are in Samoa, during the time that you were far away, and this gave rise to great concern, and some were disheartened. But notwithstanding, we waited with patience and courage, because we knew well the friendship and energy which you displayed during your first journey, and now the result is that your kind words and promises of former days have come to pass. We now therefore receive you with joy and friendship, as is your great friendship for us and all Samoans.

You spoke to us about some arrangement to allow people of your Government to bring their vessels into our harbors, and for us to respect and protect them when they come to Samoa. We are perfectly and heartily willing for this.

We also thank you for the new flag that you gave us to deliberate about; we are unanimously in favor of it; that flag is of great use as an emblem that the Government of Samoa is united and established.

On that day, the 22d of April, 1875, that we were all together at Mulinuu, and that you gave us the letter from his Excellency the President of the United States of America, and that we also listened to your encouraging words and those of Captain Erben, the commander of the war-ship *Tuscarora*, the hearts of all the people of Samoa were filled with great joy, because we thought that for the first time our Government was established holding sway over all the different lands of Samoa.

You have given us some account of the Sandwich Islands, referring to the happiness they possess, and their Government being thoroughly established and respected by all the great nations; with this in view, it is right for us all to work hard at the present time, and pray that God may be pleased to hasten the time when Samoa also may have the same blessedness.

You have also told us of some gentlemen who came with you to assist us; we are very thankful and glad that there are other useful men to direct the Samoans. Our desire is very strong that they should still remain in Samoa, and not be soon disheartened on account of the ignorance and slowness to learn of the Samoans.

As to your many encouraging words and useful directions given to us on that day at Mulinuu, we think them very good indeed. We wish also to attend to all good advices which you may give us from day to day, because we know well it is your desire to do what is right and what will be best to consolidate and thoroughly establish our Government and laws.

With these words, we desire that God may be pleased to hasten the time when all these desires of ours shall come to pass.

We hope that for many days and years we may live together and labor together for the good of the Government of Samoa.

May the Lord give you life and health.

(Signed) TAIMUA OF SAMOA.

FUATAGA.	TAUPAU.
TAGALOA.	LETUFUGA.
MATAUTIA.	TIA.
TUIA.	AUFAI.
SAMOA.	LAVEA.
LEMANA.	ASIATA.
MISA.	MATAAFA.

Written by order of the Taimua.

(Signed) LEMAMEA.

Henry Erben.

ROBY'S CHRISTIAN CHARITY.

OLD Jonathan Roby had been a crusty, crotchety, close-fisted bachelor, who had, penny by penny and dollar by dollar, scraped together a small fortune in a long life of hard work and shrewd dealing, and who kept tight hold of all his gains. When he died, his will was a surprise to his neighbors. He bequeathed all his money to three trustees, who were to invest it until it increased to a certain sum, and it was then to be administered for the benefit of the deserving poor of the town.

The three trustees named in the will were to be replaced, one at a time, by an annual election by the legal voters of the village; and the Board of Control, as the trustees were styled, was to be perpetuated in this way. It was directed that the fund should be called "Roby's Christian Charity."

When the money became available the trustees began to use it by the easy and simple method of distributing to nearly all applicants orders for fire-wood, clothing, food, and medicine, by the terms of the will their discretion in administering the trust being almost unlimited.

This simple management of the Charity was soon hotly attacked from two sides. Jonas Rand, editor of the local "Plaindealer," set up the socialistic argument that the greater part of the fund being interest, and largely accrued after Roby's death, it never rightfully belonged to him, but to the people at large; and it should be immediately returned to those needing it, in the form of loans without interest. Then Stanton Roby, a nephew of old Jonathan, took up the cudgels and made active warfare through another local paper, both upon Rand's theory and upon the actual management of the trustees. He criticized the existing plan as simply a premium upon idleness and incompetence, and advocated a scheme of enlightened philanthropy based upon experience and guided by economic principles.

Rand and Roby had been neighbors' children and companions all their young days, though they were singularly contrasted in character and appearance. Rand was a short, thick, shock-headed boy, of a stubborn and passionate disposition. Roby was taller, fair and slender, with a bright, handsome face and a pleasant, smiling look. They never had a serious quarrel until they became rivals for the same girl's favor. Then Rand's dogged attachment to Roby changed to a dogged hatred that showed no abatement after years had elapsed and both were married men with families growing up about them. Roby married the girl for whose favor they had been rivals.

In the contention over the Charity which now arose between them, Roby carefully and contemptuously avoided any allusion to Rand, but riddled and ridiculed his reasoning with merciless logic, sarcasm, and absurd illustrations. Rand, on his part, seemed eagerly glad of an occasion to pour out his wrath upon Roby, and attacked him with almost savage personality, which it may be supposed did not grow less bitter under Roby's laughing scorn. The warfare between them was waged long and sharply and revived whenever the Charity came into public notice. By degrees the community divided upon the question into two hostile parties that ranged themselves under the respective leadership of Roby and Rand.

This culminated at the fourth annual election after the maturing of the fund, before which the meetings had been a mere form. When Roby entered the place at that time he saw at a glance that the meeting had been silently packed by Rand, who sat with a face of grim determination in the midst of a solid body of his adherents.

Roby hastily sent out for reënforcements and set himself doggedly to delay action until help should arrive. He made use of every device that his wits could command, raised points of order, argued and made motions of every kind; and breathless men arrived more and more rapidly, singly, and by twos and threes.

Rand had the chairman on his side, and they overruled Roby point by point and forced on the business with all their might. Roby continued to fight for time and disputed every minute that elapsed, but at length a vote was called in spite of him and they made him a teller to keep him quiet.

Rand was named for trustee, and Roby nominated a man who was not present, but who was popular among all classes. The result of the first ballot was reported as a tie. On the second ballot Rand was defeated by one vote.

Neither Rand nor Roby took any further part in the proceedings that night. Roby appeared to collapse as completely and instantly as Rand. He sat still in his place and did not say another word; but as the meeting broke up Rand confronted him, white with rage.

"Stan. Roby," he said close in his face, "I 'll hunt you for this as long as you live."

Roby dropped his head and turned away.

That was the turning-point. The trustees consulted Roby and adopted some of his plans; finally they made him superintendent, and he was confirmed year after year. He corresponded, studied, planned, and made of the fund an embodied beneficence.

Rand pursued him relentlessly, condemned his action at every step, and accused him of taking this artful way of evading his uncle's will and absorbing the property. Roby never retorted, and heard Rand denounced with impatient distaste. People found him difficult to understand; he had grown stern and reserved. It was sometimes remarked as strange that the single person whom he treated with habitual gentleness, after his wife and only daughter, Lucia, was Jonas Rand. Then his wife died, some thought from exposure in carrying out his plans among the poor; and his bitter grief seemed to have a hardening effect. He was strict with his boys, and especially harsh towards the slightest untruth. The youngest and brightest of his children was restive and went astray.

This was partly due to a plausible fellow, whom Roby brought from town to teach in his "Artisan School," who corrupted his bright boy and ended by running away with a daughter of Jonas Rand. Rand met Roby at the time and fiercely accused him; and though Roby was of course not responsible, he took the matter to heart. And when the girl suffered the consequent misery and desertion and her father refused her shelter, Roby had her cared for through charitable city friends.

Years passed, and the enterprise became Roby's absorbing passion. As the Charity grew in favor, Roby became more distant and dark, and Rand more bitter, if possible, in his denunciation. Rand's violence and his revolutionary opinions alienated many, and his business suffered in consequence. By and by it was whispered that he was in difficulties; but still he worried along with a bold front, and his womankind dressed as showily. Finally, one year, it became known that things were thickening about him; and he showed care in his face. His creditors brought suits to recover their overdue claims.

One day in the fall of that year Roby learned that an execution against Rand was out and in the sheriff's hands. That night Roby sat up late alone; by turns he sat thinking, went over accounts, made calculations, and sat thinking long again. After midnight he put on his hat

SOMERVILLE P. TUCK

AUGUST 19, 1886

FRANCE AND FRENCH WEST INDIES

Other despatches from Somerville Pinkney Tuck, 1886-1888, are filed with miscellaneous papers relating to French Spoliation claims (accession 138, item 25), row 32, shelf 16. 2 inches.

M.W.Livingston
The National Archives
July 28, 1939

DEPARTMENT OF STATE
SEP 27 1886
RECEIVED.

Paris, Sept. 16th 1886. 69.

2D ASSISTANT SECRETARY.
File
SEP 28 1886

To the Honorable
T. F. Bayard,
Secretary of State,

Sir:

As required by my instructions, I have the honor to inform you that upon my arrival I at once placed myself in communication with Mr. Vignaux, the Chargé, in relation to the application by Mr. McLane for the delivery of the original papers regarding "French Spoliations."

An examination of the correspondence with the Foreign Office showed that the matter had been referred to the Minister of Marine, who had replied in the negative and that thereupon Mr. McLane had made a request for the loan of the

documents in question, to which there had been no reply.
I therefore visited the Foreign Office and learned that any permanent transfer was expressly forbidden by law, but that the question of the loan had been referred by the Minister of Marine to the Commissioners having charge of the archives (as explained in Mr. Broadhead's report of Sept. 19/85 - on page 15) was under consideration, and could not be determined until the reassembly of the Commission on October 13th next.
I have been able to arrange that a brief upon the subject will be received by the Commission when prepared by me and forwarded through the Foreign

Office and also that the French Consuls at ports in Spain designated by me will be requested to make a search of their archives, so that the journey may be avoided to those places where the search discloses no documents of the period of the work I have in hand.

For the present I shall continue the efforts to obtain the loan above referred to and make the search for the duplicates of the records missing in the French West Indies and which I hope to find either in this city or at Versailles.

I have ordered copies of certain of the records found in the meantime towns last summer, and will forward the same immediately upon completion.

I am, sir, with great respect,

Your obedient servant,

Somerville P. Pierce.

List of Despatches from Somerville P. Tuck, Special Agent in "French Spoliation Claims". (transmitting Copies of decrees, condemnations etc. etc. etc.)

September	24th	1886.
October	1st	1886.
October	4th	Do
"	8th	Do
"	15th	Do
"	22nd	Do.
"	29th	Do
November	5th	Do
"	"	"
"	19.	Do
"	26	Do.
December	3,	Do
"	10	"
"	17.	Do
"	24.	Do
Aprie	8th.	1887
March	25th	Do.

17 Despatches as above

Received, Aprie 29th 1887.

A. M. Hamilton

Now in Bureau of Rolls with "French Spoliation Files" Case 24

Aprie 29, 87

Duly

Mise.

No

TELEGRAM RECEIVED.

Mr Hamilton 73.

DEPARTMENT OF STATE
OCT 4 1886
RECEIVED.

FROM Paris

Oct 4 1886

Bayard,

Washington.

Evidence cases seven and one forty two mailed today

Tuck

Inform Atty Genl

Mail to Sec's

(Rec'd. Oct 5)

Mr Dwight

DEPARTMENT OF STATE
NOV 23 1886
RECEIVED.

Kept with accompanying documents sent to Attorney General Dec. 10/86.

Legation of the United-States,
Paris, November 12th 1886.

Sir,

As the request of Mr. Somerville P. Tuck who has found it necessary, in pursuance of his mission, to go to Saintes, Pau, Bayonne and Bordeaux, I have the honor to transmit herewith copies of the Judgments on appeal of the Tribunal Civil at Quimper relating to the following cases in the Court of Claims, viz:

63-1119 - Adventure _ Captain Benjamin Bioren

Hon. T. F. Bayard
Secretary of State,
Washington (D.C.)

No. Court of claims.

Judgment on appeal dated 12th Germinal Year 7. affirming Judgment of Tribunal of Commerce at Brest rendered 1st Ventose Year 7

87-323
954-1049
1505-1577 } Ruby, — Captain Luke Keff.

Judgment dated 21 Ventose Year 7 on appeal from Judgment of Tribunal of Commerce at Quimper rendered 1st Ventose Year 7. setting aside Judgment of lower Court and releasing Ship and cargo;

103 - Sally, Captain James Crowdhill.

Judgment dated 7th Fructidor Year 5 on appeal from Judgment of Tribunal of Commerce at Morlaix rendered 27th Floreal Year 5 - affirming Judgment of Lower Court condemning Ship;

895 John - Captain James Scott Jr.

Judgment on appeal dated 3rd Fructidor year 5, releasing ship and cargo - reverses Judgment of Tribunal of Commerce at Morlaix of the 5th Germinal same year;

do — do — Certified Copy of Receipt dated 6th Fructidor Year 5, signed by Captain James Scott Jr. being an acknowledgment of the return to him, by the Clerk of the Tribunal Civil at Quimper, of the ship's papers;

do — do — Extract of Minutes of the Tribunal Civil at Quimper dated 13th Prairial Year 5.

I also enclose a certified memorandum of papers in:

551 — Antelope, Captain Benjamin Miller, and certified extracts of other

papers on file at the Prefecture of the Department of Morbihan at Vannes, which have been sent by Mr. Shackelford U-S. Consul at Nantes and are forwarded as they may be of interest. They relate to the following vessels not mentioned in the List of the Court of Claims:

Friendship, from New-York, Captain Thos. Orange

Charleston, " Charleston , " Daniel Reed

Ohio, " New-York , " Archd McLaughlin

Cincinnatus, " Baltimore , " Wm Martin

and Raven, " Philadelphia , " Reilly &.

I have the honor to be, Sir,

Very Respectfully,

Your obedient Servant

J. Bailly-Blanchard

Somerville Pinkney Tuck
Counsellor At Law
35, Wall Street, New-York

DEPARTMENT OF STATE
DEC 22 1886
RECEIVED.

76.

December 21st 1886

To the Honorable,
Jas. D. Porter,
Assistant Secretary of State,
Sir:

I have the honor to inform you of my arrival yesterday per steamer "Champagne", and that I shall report in person at the Department on the 24th inst. unless otherwise instructed.

I am, Sir,

Your obedient servant
Somerville P. Tuck,
Special Agent.

w/ Everett

DEPARTMENT OF STATE.
FEB 1 1887
RECEIVED.

Send to Atty Genl.
Brownell
Atty Genl. Feby 1. 87. W.

Legation of the United States
Paris, January 21st 1887.

Sir,

2

Pursuant to the instructions of Mr. Somerville P. Tuck, I have the honor to transmit herein enclosed, for use of the Attorney General, certified copies of the "Lettres de Marque" found on the American vessels "Eliza" and "Fanny" at the time of their capture by French privateers and

Hon. T. F. Bayard,
Secretary of State,
&c, &c, &c,
Washington. D.C.

I would respectfully request
that they may be forwarded
to their destination /.

I have the honor to be,

Sir,

Very Respectfully,

your obedient Servant,

J. Bailly Blanchard

inclosure 1

DEPARTMENT OF STATE
FEB 10 1887
RECEIVED

Asst-Atty Genl
To Attorney General
Febry 11. 87.

Legation of the United-States,
Paris, January 28th = 1887.

Sir,

I have the honor to inform you, that in pursuance to the instructions of Mr. Somerville P. Tuck, I forward by the pouch of the Legation, this day, certified copies made from registers filed in the archives of the Ministry of Marine of this City, of the Lists of French Government vessels from 1793 to 1800 and

Hon. T. F. Bayard,
Secretary of State,
&c. &c. &c.,
Washington (D.C.)

of French Privateers from
1798 to 1801.

These documents are for
the use of the Attorney General
as evidence in cases now
pending in the Court of claims,
and I would respectfully
request that they may be
forwarded to their destination.

I have the honor to be Sir,
Very respectfully,
Your obedient Servant,
J. Bailly-Blanchard

accompaniment containing above mentioned
Lists.

Mss C
Copy of despatch and
enclosures to Attys' Genl.
Apl. 9/87
Smith.

DEPARTMENT OF STATE
MAR 29 1887
RECEIVED.

LIBRARY
MAR
30
1887
DEPARTMENT OF STATE

The folio
Mss. vol. of
decrees
(235 pp.)
sent same day
Smith

Wm Dwight -

Approved
Sens credit. $1000
aab

Legation of the United States

Paris, March 18th = 1887.

2 Dis so.

Sir, 7. April, 1887.
F.B.Y.

I have the honor to inform you that I have forwarded by the pouch this day, 45 decrees of the Commissioners of the Executive Directory sitting at Cape Haytii, relating to American Vessels, regarding which claims have been filed in the Court of Claims.

These are copied from the duplicate minutes of said Commission, certified to by the

Hon. T. F. Bayard,
Secretary of State,
&c, &c, &c,
Washington D.C.

Secretary thereof sent to France
in pursuance of the provisions
of the Law in regard to Colonial
records and now deposited among
the archives of the Ministry of the
Maine in this City. For a list
of the vessels named in these decrees,
I beg to refer to the lists enclosed
with my letters of October 29th &
November 15th 1886, wherein they
are designated by the use of
the docket numbers of the Court
of claims.

I also send a certificate from
the clerk of the Tribunal of Commerce
at Nantes, to show that no judgment
can be found in regard to the
Diana, No. 152, and the Thomas
No. 1572 - and a certificate from

the United-States Consul at Nantes that no judgment on appeal can be found at the Civil Tribunal at that place, relating to the Theresa, No. 142, Thomas, No. 1572, Diana No. 152, the Cyrus, No. 561, and the Catharine No. 1005.

I am informed by the clerk of the court of appeal at Pau that the cost of copies of the 20 judgments there found by me will be 2720 Frs. and that the advance payment required by Law is 1500 Frs. This sum I shall send at once thereby exhausting the $300 00/100 allowed me for expenses, by letter of credit of February 11th. I therefore respectfully request that I be furnished with a further

and similar credit of $1000 —
so that I may not be delayed
in ordering other copies to
be made here and elsewhere.

I am Sir,

Your obedient Servant

Somerville P. Tuck.

81

TRIBUNAL
de Commerce
de Nantes

CABINET DU GREFFIER

Nantes, le 30 9bre 1886

Monsieur le Consul des
Etats Unis
Nantes.

Malgré mes recherches, je n'ai
pas encore pu trouver les Jugements
concernant 1° Diana, cap^ne Edwards Clapp
2° Thomas, cap^ne Formond.
Veuillez agréer, Monsieur, l'assurance
de ma parfaite considération
J. Villain

I. H. A. Shackleford United States Consul at Santos, certify that the Signature of H Villain Greffier of the Tribunal of Commerce, at the foot of the preceding page is his true and genuine Signature.

In Witness whereof I have hereunto set my hand and affixed the seal of the Consulate at Santos this 13 day of December 1886.

H A Shackleford
U S Consul

82

UNITED STATES CONSULATE
NANTES — FRANCE

I H A Shackelford, Consul of the United States at Nantes, certify that after a careful and through personal search through every Volume in which judgement are recorded, at the Tribunal Civil, nothing was found relating to the following vessels, viz: The "Thesa", "Thomas", "Diana", "Cyrus" and "Catherine".

In witness whereof I have hereunto set my hand and affixed the seal of the Consulate at Nantes this Fifteenth day of December, 1886.

H A Shackelford
U S Consul

Recorded

Letter of credit issued. $2800.

3. June. 1887.

Mr Hutchinson

DEPARTMENT OF STATE
RECEIVED

Legation of the United States,

Paris, May 17th 1887.

Sir,

I have the honor to acknowledge the receipt of the letter of credit of april 7th for one thousand Dollars to be applied to the procuring of copies of records relating to the claims known as French Spoliations.

I respectfully request that I be furnished with a letter of credit to cover my compen-

Hon. T. F. Bayard,
Secretary of State,
Washington D.C.

sation for a further period of four months, viz, from May 11th to September 11th 1884./.

I am, Sir,
Your obedient Servant,
Lemuel A. Peck

Misc

Accounts affirmed and Sent to the Auditor Dec. 7. 1887

DEPARTMENT OF STATE
DEC 1 1887
RECEIVED.

84

Washington. D.C.
December 1st. 1887.

Mr Kretschmer

Hon. T. F. Bayard,
Secretary of State,

Sir:

As required by my letter of instructions of August 19th. 1886, I have the honor to transmit herewith my accounts for compensation and expenditures, with the vouchers for the same.

The expenditure accrual-

shows the amount due by the Government to be Three hundred and seventy-four dollars and two cents ($374.02), for which sum I respectfully request a check at the convenience of the Department.

I am, sir,

Your obedient servant,

Somerville P. Tucker.

Tinkney Tuck
Counsellor At Law
35, Wall Street, New-York.

DEPARTMENT OF STATE
DEC 23 1887
RECEIVED.

W Kretschmer

December 22-1887.

Hon. T. F. Bayard—
Secretary of State:

Sir/ I have the honor to inform you that I have been notified by the Fisk—Comptroller of the Treasury that my account, as Special Agent of the Department of State for the purpose of procuring evidence relating to French Spoliation Claims, has been adjusted and that the balance due me is $374 02/100. I have therefore drawn upon you for said amount through my Bankers, Latham, Alexander & Co.

I am, Sir, your obedient Servant,

Bal $ 374 01

Tinkney Tuck.

Somerville Pinkney Tuck
Counsellor At Law
32 Wall Street New-York

April Apl. 10/88.

87.

DEPARTMENT OF STATE
APR 10 1888
RECEIVED.

April 9th, 1888.

HON. GEORGE L. RIVES,

Assistant Secretary of State.

Sir:-

During my recent visit to Washington I found among the Guadeloupe records at the French Legation a small number of statements of distribution of prize moneys (répartitions), a list of which Mr. BOEUFVE the Chancellor agreed to send me to be added as an appendix to my report. Not having heard from him, and needing this information in order to complete my inventory of the records above referred to, I respectfully request that some one be sent from the Department to make a list for my use which will contain the name of prize and capturing vessel, with that of their respective captains, date of capture when given, and date of répartition.

I am, sir,

Your obedient servant,

Somerville P. Tuck

Misc

DEPARTMENT OF STATE
MAY 10 1888
RECEIVED.

Copy to Secy. Treasy May 11/88.

88

35 Wall Street,

New York, May 8th, 1888.

HON. T. F. BAYARD,

Secretary of State.

Sir:-

In compliance with your letter of instructions of August 19th, 1886, I have the honor to transmit herewith the report of my proceedings during my employment as a Special Agent of the Department of State from the date above given to December 19th following, and during a subsequent employment from February 11th to October 11th, 1887.

The work in which I was engaged was of such extent and appeared to me to be of such importance that I did not interrupt it to prepare the report previous to the date of the expiration of my employment, but continued my research until the 30th of October, 1887 the date of my departure from Paris for the United States. The expediency of this course was demonstrated by finding three days before I left Paris, at the "Archives Nationales", the Registers of the Executive Provisional Council, and certain of the records of the Committee of Public Safety for which I had been in search for several months As it was necessary to have these abstracted and there were a

number of copies of other records not then ready for forwarding to the Department, after consultation with the Hon. R. M. McLane, I arranged with my assistant Mr. A. Bailly-Blanchard that he would continue the work after the expiration of his current month, November 16th, and for that purpose I left my lists, memoranda, letters and letter copy-books in the custody of Mr. McLane until the material therein contained should be digested and a draft prepared for use in making my report.

As to the form that this report should take I could not easily come to a decision, but finally determined that there was but one method by which I could comply with your instructions to give in detail an account of my proceedings and, at the same time, put the report in a form most available for use, and that was to make a brief of the work done and information and evidence procured and obtained as to each vessel and the date of forwarding same to the Department. This will be found in appendix I as to 1571 vessels, of which, by comparison with the printed Spoliation Docket of the Court of Claims, I have identified 941 as the subject of 3274 claims now before that Court, and these numbers will doubtless be much increased by an examination of the petitions and proof there on file.

Appendix 2 contains a description of documents copied having general reference to the subject of the Spoliations in

question, and not referring to particular vessels.

Appendix 3 is a Schedule of 516 vessels as to which the information, or evidence, therein described has not been copied by reason of the exhaustion of the appropriation; mention is made of the place where such records were found and an indication of those vessels upon which claims have been filed as above stated. The material from which I prepared these appendices consisted of 1003 cap pages compiled by Mr. Blanchard from my memoranda of search at the different places in France, Great Britain, Spain, Belgium and Holland named, all lists and copies made and received, and the voluminous correspondence extending over the year of my employment.

When I left Paris I believed that this work would not require more than two months and, upon my arrival in Washington, so stated. A requisition was then made for a further appropriation of Five hundred dollars to provide for the compensation of Mr. Blanchard and such necessary disbursements as might be incurred in the preparation of the report. I find that I was in error as to the period I had named and that Mr. Blanchard could not conclude his labors until the 16th of March last. I enclose, herewith, a memorandum of his work which I certify to be correct and to have been most accurately, thoroughly and well done, and respectfully request that he be al-

lowed the sum of Two hundred dollars per month for his services in all $800 for one hundred and twenty-two actual working days (from November 16th, 1887 to March 16th, 1888) of ten hours each and a further sum of $16.89 for his disbursements as per copy voucher enclosed.

Since my account was allowed I have received a memoranda from George Davis, Son & Co., Solicitors, of London, of services rendered me at the Admiralty Registry and Public Record Office, London, of which I enclose a copy, and certify the services and amount, 5 guineas, to be correct. I have also received notice from the Clerk of the Tribunal of Commerce at Boulogne that there is due him the sum of One hundred francs for searcher's fee, this is also correct.

In the preparation of this report and appendices, I have been continuously engaged for two months, and I respectfully request that I be allowed the sum of $500 in payment therefor, and that a further requisition for $1,000 be made so that the total sum asked for to provide for the deficiency in the matter of French Spoliation Search will be $1,500 to pay amounts as follows, viz:

Mr. Blanchard's compensation.	$800.00
His disbursements	16.89
Account of George Davis Son & Co.	25.00
" " Clerk at Boulogne.	20.00
My compensation	500.00
My disbursements for type-writing &c.	65.00

I desire especially to call your attention to that portion of my report which sets forth the work which yet remains to be done to fully complete the transmission of all the records and evidence affecting the claims now known to be available.

I am, sir,

Your obedient servant,

Somerville P. Tuck

(ENCLOSURE 1)

STATEMENT OF WORK DONE BY MR. A. BAILLY-BLANCHARD FROM NOVEMBER 16th, 1887, TO MARCH 16th, 1888.

For the following work completed the 16th, March, 1888.

Forwarding to the Department of State, balance of documents, bound together, described, sealed and certificates attached thereto;

Posting into "Repertoire" all information contained as to each and every vessel mentioned in 277 pages of correspondence in press copy books (105 in Book 3, 172 in Book 4) and in 60 letters received;

Indexing with "Spoliation Docket" 16 lists relating to about 415 vessels;

Indexing with "Spoliation Docket" the "Repertoire" relating to about 589 vessels;

Indexing 350 pages of press copy Books III and IV;

Preparing material for schedules to accompany report, the same being a work of 1003 cap pages; as follows:

	total number of pages.
Description of all evidence found copied or procured, arranged alphabetically as to the names of vessels and numerically as to those relating to cases in the Court of Claims	771 pages
Ascertaining additions and omissions in above and making list thereof fos 772 to 792-21	"
Notes on above fos 818 to 831-14	"
	806

Documents sent of general interest to French

Spoliations and not relating to any particular vessel, ~~ascertaining and~~ describing same, giving dates of transmission &c. fos. 793 to 813 21

Documents found and not copied nor sent, of general interest to French Spoliations and not relating to any particular vessel, ~~ascertaining and~~ describing same, fos. 814 to 817 4

Statement showing total number of vessels regarding which evidence has been obtained, those in Court of Claims and those not appearing. Recapitulation and observations. . . . . fos. 832 to 853 . . . 22

List of those vessels regarding which evidence has been found and not copied nor procured, those appearing in Court of Claims and those not mentioned therein, those concerning which partial evidence has been sent and those concerning which no evidence has been forwarded, those concerning which partial evidence has been sent and the balance of evidence found should be procured, those in the same ~~category~~ the balance of evidence relating to which need not be procured. Ascertaining same and making statement thereof giving name of vessel, number in Court of Claims when appearing - Captain - What Records - where found - the nature of the evidence found, not copied nor procured and folio of Schedule I describing same. Recapitulation giving totals and remarks relative thereto. . . . . fos. 854 to 933 . . . 80

List of those vessels relating to cases in the Court of Claims concerning which the evidence found

should be copied or procured - Ascertaining same and making statement thereof giving No. in Court of Claims- Vessel - Captain - What Records - Where found - the nature of the evidence found to be procured and the fo. of schedule No. 1, describing same, making a Recapitulation giving - total of vessels, total of cases in Court of Claims to which they refer - total concerning which partial evidence has been sent and there remains a balance of evidence to be procured and total concerning which no evidence has been sent - fos. 934 to 956. 23

List of those vessels relating to cases in the Court of Claims concerning which partial evidence has already been sent and the balance found, not copied, nor sent, and need not be procured - Ascertaining same and making statement thereof giving totals of all information as in Schedule , fos 957 to 962. 6

Summary of information gathered from above Schedules showing result obtained as to number of vessels No. in Court of claims &c., &c., &c., fos 963 to 975. 13

Additional synopsis of decrees found at National Archives, Paris, fos 976 to 1003. 28

Total pages - 1003

INDEXING ABOVE

List-	I	having reference to	1581	vessels.	
do	V	do	521	do	
do	VI	do	119	do	Duplicates.
do	VII	do	17	do	
Addtl.	synopsis	do	19	do	

Writing and press copying 123 pages of correspondence relating to above.

The above work was accomplished from November 16th, 1887 up to and including March 16th, 1888, thus requiring 122 days of an average of ten actual working hours.

Examined, found correct and approved.

NEW YORK, May 10, 1888. Somerville S. Pugh.

(ENCLOSURE 2)

Légation des Etats-Unis

d'Amerique.

PARIS, March 16, 1888.

Fcs. 87.$^{50}/_{100}$.

Received from Mr. A. Bailly-Blanchard the sum of eighty seven francs 50 centimes to reimburse outlays as per following account.

(Signed) Augustus Biesel.

PARIS, March 16, 1888.

To 10 packages of candles a fr1.20	12.00
" postage from Nov. 1, to date	5.25
" 1/2 ream of draft paper.	3.50
" press copy books	18.00
" press copying 975 pages.	48.75
francs -	87.50
-	$16.89

Examined, found correct and approved.

NEW YORK, May 10, 1888. Somerville P. Tuck.

(ENCLOSURE 3)

SOMMERVILLE P. TUCK, ESQ.,

(THE AGENT OF THE

GOVERNMENT OF THE UNITED STATES OF AMERICA)

to

GEO. DAVIS, SON & CO.

1887.
May — Several attendances for Mr. Tuck conferring and receiving instructions as to the Records of the several Courts of Admiralty in England and the Channel Islands and as to perusing same from the years 1790 to 1802.

Attending at the Admiralty making enquiries when they referred us to the Treasury, attending at the Treasury discussing matter with them at length when they referred us to the Royal Courts of Justice.

Attending at the Royal Courts of Justice making enquiries as to Records &c., when we were given sufficient information to enable us to communicate with Mr. Tuck thereon.

Writing you therewith

Attending you thereon and explaining and attending with you at the Public Record Office searching the various Records of the various vessels.

June 29 — Attending with Mr. Tuck on this day continuing searches at the Royal Courts of Justice

" 30 — The like attendance this day.

" 31 — Attending at the Public Record office continuing searches and perusing ships papers and bespeaking

copies.

Attending for copies bespoken at the Royal Courts of Justice.

Attending for copies bespoken at the Public Records office.

Writing you therewith and reporting.

£5:5:0

Examined, found correct and approved.

NEW YORK, May 10th, 1888.

Somerville & Pugh

Misc
Encl & Enclosures
Sent to Dept. of
Justice
May 12th
Smith

DEPARTMENT OF STATE
MAY 10 1888
RECEIVED

DEPARTMENT OF STATE
OFFICE OF CHIEF CLERK
MAY 11 1888
Respectfully Referred to
Mr Dwight

LIBRARY
MAY 11 1888
DEPARTMENT OF STATE

35 Wall Street.
New York, May 9th 1888.

Hon T. F. Bayard,
Secretary of State,
Sir:

I have the honor to enclose herewith for transmission to the Department of Justice abstracts of decrees of the "Conseil Ecclesiastique" found in the "Archives Nationales" Paris, and relating to the following vessels, viz:

Alert, Eclair, Enterprise, Hope, Indian Chief, John, Juno, Laurens,

Little Cherub (2), Margaret-
Mary (2), Paragon, Polly
Thomas Hunter, Ruby,
Sophia and Union.

I am, Sir,

Your Obedient Servant,

Somerville & Tuck.

JOHN G. WALKER

JANUARY 1, 1889

PAN AMERICAN CONFERENCE

DEPARTMENT OF STATE
JUN 3 1889
RECEIVED.

N°2. Special Commission.

Buenos Ayres, Argentina.

April 24. 1889.

Mr. Walker to

Mr. Blaine

Subject:

The participation of Argentina in the Washington Conference of Oct. 2°. 1889.

No 2. Special Commission.

Buenos Ayres, Argentina

April 24. 1889.

Hon. James G. Blaine

Secretary of State

Washington, D.C.

Sir:

In the further performance of the duties assigned me by instructions from the State Department, Dated Jany. 18. 1889. I left Santiago, Chile, on the 6th inst. and proceeded by rail to the town of Los Andes, where procuring mules, I left the next day, by way of the Uspulata Pass, and crossing the main cordillera of the Andes, arrived at Mendoza, in this republic, the present western terminus of the trans-Andean railway, on the 13th - On the 15th I left Mendoza

Mendoza by rail and arrived here on the 18th. The following day I called on Minister Hanna and presented to him my letter of introduction from your predecessor. He informed me that being Holy Week no official business could be transacted with the Argentine Government, but that as early in the coming week as possible he would present me to the Minister of Foreign Relations. I explained that the Argentine government having accepted our invitation to the Conference of the 2d. of October, and appointed delegates, my call upon the Foreign Minister would be merely of courtesy, and for the purpose of arranging with him, should he so desire, a programme for discussions at the Conference.

An

An interview having been arranged, on yesterday, accompanied by Secretary of Legation Vilas, Minister Hanna being indisposed, I called upon the Minister of Foreign Relations, and delivered him my letter of credence from your predecessor. He received me very cordially, and in a long conversation, expressed the most friendly sentiments towards the United States, and sympathy with the objects, for the promotion of which, the Conference of October 2d. was called, dwelling with special emphasis upon the fact that the country for which his government and people had the greatest admiration and sympathy, of all the great nations of the world, is that with which Argentina has the least commercial intercourse.

I

I assured him that this fact was also deeply regretted by my government, and that it was largely to remedy this state of affairs that the Conference had been invited. The minister went on to say that in his judgment the most effective means for the increase of the commerce between the two countries, was the establishment and maintainance of direct lines of fast sailing steamers between New York and Buenos Ayres, and that his government would meet this half way in such a measure. As a proof of this he stated that three or four years ago his government made a proposition to ours to support jointly such a line, and that it had been a subject of much regret that the offer had

had been rejected by the government of the United States, adding that he hoped such an arrangement might yet be made.

I explained to the Minister that under our system of government the Executive had no power to use the public funds, even for the most necessary purposes, until the Congress had voted the appropriation, but that I was glad to inform him that President Harrison, in his inaugural address, had expressed the most enlightened views on this subject, with which I felt sure the next Congress would be in complete accord, and would, I had no doubt, make the necessary appropriation.

I then asked the Minister if it

was

was the wish of his government to formulate, in advance of the meeting of the Conference, a programme of discussion; if so, I was instructed by my government to confer with him on the subject. He replied that his government would be represented by delegates of such ability that it desired to leave them completely untrammeled, both as to the subjects themselves and the order of their discussion.

As an evidence of the cordiality of my reception, I will mention that the Minister offered to place every facility at my disposal, provided I desired to visit any portion of the republic, but the limited time fixed for my return

to

to Washington prevented me from accepting his courteous offer.

It may be a subject of interest to you to know that the trans-continental railway, which, when completed, will connect Buenos Ayres and Valparaiso, is in running order as far westward as Mendoza, in Argentina, and eastward from Valparaiso as far as Los Andes, Chile, leaving an uncompleted gap of less than two hundred miles. The necessary concessions for completing this portion of the road have been made by the two governments, and I found a corps of engineers near the Uspallata Pass engaged in making locations and studies of the line. The Chief of the party informed me that there would be more than five miles of tunnels, the most

most important of which would be over three miles in length, and that it will require at least five years for their completion.

In passing through the Argentine republic the traveller is struck with admiration with its vast agricultural and grazing capabilities. From the eastern base of the Andes for forty or fifty miles east of Mendoza, the country is of but little agricultural value, greatly resembling, in its barrenness and in its covering of sage and greasewood brush, a large part of Utah and Nevada, but from that point to Buenos Ayres, a distance of seven or eight hundred miles, the country, in agricultural and grazing resources, is not surpassed by the best of the Pacific region

region of the United States, which it greatly resembles. This vast area is being rapidly settled by English, German and Italian colonists. The influx of foreigners, in fact, is amazing, averaging 30,000 monthly, ninety per cent. of whom, I am told, go to the prairies and become agriculturalists. When the vast extent of the fertile area of this republic is considered, these figures give a high idea of the future importance of this country, as a market for our manufactures, and the duty of our government of cultivating more intimate commercial relations with a nation, which, in the not distant future, is certain to be one of great importance.

Among

Among the means to this end, nothing, in my judgment, would have such immediate and permanent good effect as the establishment of lines of fast sailing steamers between our ports and the cities of the La Plata. Our past neglect of this has resulted in almost the complete loss of this commerce of this region. Among the hundreds of vessels, lining the wharves of this city, I was pained to see the American flag flying on only some half dozen sail vessels, mostly schooners of small tonnage. Even Norway was far better represented.

I leave to-morrow for Monte Video.

I am, Sir,

Your Obedient Servant

Jn° E Walker.